



**Leeds**  
CITY COUNCIL

Public Document Pack

**An Extraordinary meeting of the City Council (Extraordinary) called under the provisions of Council Procedure Rule 5(a) will be held in the Civic Hall, Leeds on Wednesday, 13th December, 2006 at 1.00 pm**

**Members of the Council are invited to attend and transact the following business:**

**1. Approval of a Statement of Gambling Policy**

That the proposed response to the consultation exercise as contained in appendix 2 to the report of the Director of Legal and Democratic Services be approved as the Council's response to matters raised in consultation and that the revised draft Statement of Gambling Policy as set out in appendix 3 to the report be approved as the final Policy under the Gambling Act 2005.

**A CARTER**

Chief Executive

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Leeds  
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**Report of the Director of Legal and Democratic Services**

**Council**

**Date: 13<sup>th</sup> December 2006**

**Subject: Approval of a Statement of Gambling Policy**

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**Electoral Wards Affected:**

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**1.0 Executive Summary**

- 1.1 At the Council meeting held on 1<sup>st</sup> September 2006 the Constitution was amended by the addition of the Policy Statement under the Gambling Act 2005 into the Policy Framework as a decision reserved to Council.
- 1.2 The Executive Board on 15<sup>th</sup> November 2006 agreed the recommendations in the attached report.
- 1.3 Council are recommended to approve the final Policy under the Gambling Act 2005 as forwarded by the Executive Board.

**2.0 Purpose of Report**

- 2.1 To present for the approval of Council the draft Policy on the licensing of gambling premises under the Gambling Act 2005.

**3.0 Background Information**

- 3.1 The Executive Board on 20<sup>th</sup> September 2006 approved consultation arrangements on the Draft Statement of Gambling Policy and the reference of the policy and consultation results to the Overview and Scrutiny Committee. A further report on the outcomes of the consultation and presenting a revised draft of the Policy was submitted to the Executive Board on 15<sup>th</sup> November prior to final consideration by Council.

#### **4.0 Recommendations**

- 4.1 That the proposed response to the consultation exercise, as contained in appendix 2 to the attached report, be approved as the Council's response to matters raised in consultation.
- 4.2 That the revised draft Statement of Gambling Policy as set out in appendix 3 to the attached report be approved as the final Policy under the Gambling Act 2005.



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## Report of the Director of Legal and Democratic Services

### Executive Board

Date: 15 November 2006

### Subject: Approval of a Statement of Gambling Policy

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**Electoral wards affected:**

All

**Specific implications for:**

Equality and Diversity

Community Cohesion

Narrowing the gap

Eligible for Call In

Not Eligible for Call In  
(Details contained in the report)

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### Executive Summary

1. This Report provides members of the Executive Board with a revised draft Statement of Gambling Policy under the Gambling Act 2005. The original draft of the Policy came before Executive Board in September 2006, and was referred to Overview and Scrutiny Committee in accordance with the Budgetary and Policy Framework Rules. The original draft was then considered by the Overview and Scrutiny Committee, and the Policy revised by Officers taking into account the comments of Scrutiny, together with the comments of those who responded to the consultation exercise. Executive Board are asked to consider the revised draft and refer the matter to Full Council, who will consider whether to approve the Statement of Gambling Policy at a special meeting in December 2006.

## **1.0 Purpose of this report**

1.1 The purpose of this Report is to provide Executive Board with an updated and revised draft Policy on the licensing of gambling premises under the Gambling Act 2005. The revisions have been made following Scrutiny (in accordance with the Budgetary and Framework Rules) and responses to the consultation exercise.

## **2.0 Background information**

2.1 The Gambling Act 2005 gives effect to Government proposals for the reform of the law on gambling. The Act contains a new regulatory system to cover the provision of all commercial gambling in Great Britain, other than the National Lottery and spread betting.

2.2 Leeds City Council is appointed as the Licensing Authority for Leeds, and will issue licences to premises for gambling within the Leeds district, together with various permits and notices to regulate smaller scale or ad hoc gambling. It should be noted that any operator wishing to provide gambling at premises must first have applied to the requisite operator for Personal Licences from the Gambling Commission before they can approach the Licensing Authority for a Premises Licence.

2.3 The Act requires the Council, as Licensing Authority, to aim to permit the use of premises for gambling insofar as the Authority thinks it:

- in accordance with the relevant Code of Practice
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the Licensing objectives
- in accordance with the Policy issued by the Licensing Authority under the Act

2.4 There are three licensing objectives under the Gambling Act 2005, and they 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 or other vulnerable persons from being harmed or exploited by gambling

2.5 Members will note that these objectives are different from the four objectives set out in the Licensing Act 2003. Specifically, they do not include public nuisance or public safety, and there is no positive duty to promote the objectives. In addition, the Act makes it clear that issues such as the need for gambling premises, or whether they have or will get planning permission are not relevant considerations on the granting of a Licence.

## **2.6 Transitional Arrangements**

The transitional period is currently expected to commence on 1 January 2007. From this date, gambling operators will be able to approach the Gambling Commission to apply for Personal and Operator Licences. From 30 April 2007

those organisations who have made application to the Gambling Commission will then become eligible to apply to Leeds, as the Licensing Authority, for the necessary Premises Licence. These applications must be made to the Council by 31 July 2007. Existing operators who make the necessary application in this transitional window will qualify for continuation rights, which will allow them to continue trading once the Act is brought into full force. It is anticipated that the Act will come into full force on 1 September 2007.

### 3.0 Main issues

#### 3.1 Consultation

Members will recall that at their meeting on 20 September 2006, it was resolved to refer the matter to Overview and Scrutiny Committee in accordance with the Budgetary and Policy Framework Rules. Overview and Scrutiny Committee considered the draft Statement of Policy on 9 October, together with the consultation responses and further information provided by the Entertainment Licensing Section on the extent of the consultation. As a result of their consideration, Overview and Scrutiny Committee produced a note of their discussion to assist Officers in their revision of the draft Policy. A copy of the note prepared and agreed by Overview and Scrutiny Committee is attached to this Report as **Appendix 1**.

Members may also recall seeing at the meeting on 20 September 2006 a Report on the outcome of the consultation on the draft Statement of Gambling Policy. That Report, together with the comments of Overview and Scrutiny, has been used to prepare a table of responses to the consultation. The table is attached as **Appendix 2** to this Report. It details the source of any comment on the draft Policy, together with details of the comments made or a summary of the comments, the proposed reply of the Council and any changes made to the Policy as a result. This is a key document and is designed to show clearly which comments from the consultation have been taken into account, and where changes have been made to the Policy as a result. The table also indicates where changes have not been made to the Policy despite a comment, and identifies the reason why that is the case. In the majority of situations, this is because the comment fell outside the scope of what the Council, as Licensing Authority, can achieve through its licensing policy.

#### 3.2 Leeds Large Casino bid

Members may be aware that an appeal against the decision not to shortlist Leeds for the Regional Casino was not upheld by the Casino Advisory Panel. However, Leeds still has an existing bid for a Large Casino Licence. Members will recall that there are likely to be eight large Casinos nationally. The Large Casino bid is being co-ordinated through the Development Department. As part of the bid process, the Development Department has created a Casino Task Group through the Leeds Initiative, comprising of representatives of businesses, faith groups and other interested parties. The Task Group is chaired by Councillor Barry Anderson. The Development Department also commissioned a health, economic and social impact study, which looks at the current situation with gambling in Leeds and the possible effect of a large Casino, should the bid be successful. The final Report of the consultants was considered by the Casino Task Group on 30 October 2006. Relevant matters from the Casino Bid and the Report have been incorporated into the revised draft Policy.

3.3 A copy of the revised draft Policy is attached for Members to consider at **Appendix 3**.

#### **4.0 Implications for council policy and governance**

4.1 Due to the strict time frame imposed by the Gambling Act 2005, it has been necessary to call a meeting of Full Council in December in order to approve the final Statement of Gambling Policy. This meeting is scheduled for 13 December 2006.

4.2 It is intended to make necessary changes to the Constitution at the same time.

4.3 It will then be necessary to call a special meeting of the Licensing Committee to deal with the necessary delegation of functions under the Act to Sub-Committees and to Officers.

#### **5.0 Legal and resource implications**

5.1 New responsibilities will require additional temporary legal support to both Licensing Committee and the Entertainment Licensing Section, and a review of the existing resources within the Entertainment Licensing Section.

5.2 The final Policy must be taken into account when Officers and Members are making decisions on applications for Premises Licences and Permits under the Gambling Act 2005.

#### **6.0 Conclusions**

6.1 That Members should consider the comments of Overview and Scrutiny Committee and the consultation responses and decide whether to refer the revised draft for approval.

#### **7.0 Recommendations**

7.1 Members are requested to:

7.1.1 consider the responses to the consultation carried out, including the comments of Overview and Scrutiny Committee at Appendix 1 and the table of responses at Appendix 2, and endorse the proposed responses to the consultation exercise and recommend to Full Council that these be approved as the Council's response to matters raised in consultation;

7.1.2 note the revised draft Statement of Gambling Policy set out at Appendix 3, and recommend to Full Council that this be approved as the final Policy under the Gambling Act 2005.



**OVERVIEW AND SCRUTINY COMMITTEE – COMMENTS ON THE STATEMENT OF GAMBLING POLICY.**

On 4 September Overview and Scrutiny Committee received and considered a preliminary report on the Statement of Gambling Policy.

At this stage the Committee made some initial observations which were forwarded to officers and the Leader of Council.

The Committee's greatest concern at this stage was the seemingly limited range of those who have been consulted on the draft policy. Whilst acknowledging that some of its concerns might be alleviated when the full list of those who have been consulted was available, the Committee felt that, as the document stood at that stage it appeared that some key partners had not been consulted, particularly, District Partnerships, Area Committees, PCTs and faith organisations.

The Committee stressed that its wish to see these bodies consulted was not in any way a statement of whether the Committee did or did not support the provision of gambling but a feeling that the absence of views from these organisations weakened the legitimacy of the policy.

It was also the Committee's view that consultation should not end with the publication of the policy, but should continue throughout the life of the document including during any review of its effectiveness.

On 9<sup>th</sup> October 2006 the Committee considered an updated report on the Draft Statement of Gambling Policy as part of the council's budget and policy framework procedure rules. This report included the results of the consultation on the draft policy.

A number of issues emerged from these discussions. Whilst satisfied that further consultation work had been undertaken a key concern of the Committee remained the need for the Council to establish robust mechanisms to ensure a continuing dialogue with those who may wish to comment on gambling. The Committee is not convinced that these mechanisms are in place.

Members also had concerns that the provisions of the Act itself limited the council's ability to exercise its legitimate role of promoting community wellbeing.

The key concepts of the Act, i.e. the licensing objectives of the Act 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, and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

The most common local issues such as nuisance, general disorder and public safety are not within the scope of the objectives, and therefore the Licensing Authority would not be able to accept any objection on these grounds as being relevant. This is of concern to the Committee.

The Committee is aware that enforcement and licence condition regulations have not yet been issued. The Council should therefore lobby the Minister of State for the Department of Culture, Media and Sport and the Gambling Commission for the right for councils to ensure community wellbeing.

Notwithstanding the above, members of the Committee are of the view that there are practical actions the council could now do.

Acknowledging the broader responsibilities of the Council, the Committee is of the view that the Council should use other arenas to discuss gambling, for example schools.

A key recommendation coming from the Scrutiny Inquiry into alcohol misuse was;

“That the Director of Legal and Democratic Services and the Director of Development arrange for the Development Plan Panel and the Licensing Committee meets to consider the consequences of licensing and planning policies on each other”.

The Committee recommends that this same approach is taken for gambling.

The alcohol commission also recommended;

“That the Head of Entertainment Licensing provides ward councillors with up to date information on all the on and off licensed premises in their ward, and the licensed hours and opening times for each of the premises”.

The Committee recommends that this principle is extended to premises offering gambling and that Ward Members are informed at the earliest possible opportunity by the Licensing Section and by the Development Department of any proposals relating to proposed gambling premises in their areas.

**Section 1 - Detailed written replies and miscellaneous comments**

Source	Comments made / summary of comments	Reply	Policy Changes
<p>Overview and Scrutiny Committee Meeting – 4<sup>th</sup> September 2006.</p>	<ol style="list-style-type: none"> <li>1) Remove reference to excellent transport links in introduction section</li> <li>2) Section on vulnerable persons should be defined more clearly</li> <li>3) Improve Map of Leeds District. Seek clarification from Overview and Scrutiny on this point.</li> </ol>	<ol style="list-style-type: none"> <li>1) Comments noted.</li> <li>2) Comments noted.</li> <li>3) Comments noted.</li> </ol>	<ol style="list-style-type: none"> <li>1) Policy updated accordingly.</li> <li>2) Owing to responses made from other respondents the term vulnerable persons has been expanded to include new groups which in essence offers a clearer breakdown of who the council will view as vulnerable.</li> <li>3) Map will be amended accordingly prior to publication of the document.</li> </ol>
<p>Cllr R Feldman (by telephone)</p>	<p>Raised concerns regarding the category B2 gaming machine as per the table contained in the policy at page 28 .</p>	<p>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.</p> <p>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. This allows betting shops the opportunity to offer their customers casino style table games with maximum prizes of £500 with each spin of the roulette wheel. Money is inserted either as notes or coins in the machine itself or using a debit card over the counter. Initial deposits could be over £100. To place a bet you choose the size of your initial stake and touch the screen on the relevant numbers or other</p>	<p>Owing to the special nature of these machines (which are only allowed in casinos and bookmakers) we have inserted more information by way of a footnote to repeat some of the explanation as detailed in the cell left.</p>

Draft Gambling Policy – Key Consultation Messages

Source	Comments made / summary of comments	Reply	Policy Changes
		<p>selections (such as red/black or odd/even) to place the bet on the table. Once you have placed your bets you touch the screen again to set the roulette wheel spinning. The wheel will come to rest after about 15 seconds.</p> <p>It would appear therefore that the maximum stake of £100 refers to the number of chips you can stake in any one game where the maximum cost of each chip is £15.</p>	
CIIR R Feldman (by telephone)	Asked for the Grand Theatre to be included at section 2.4 of the policy.	Comments noted.	Policy updated accordingly
Association of British Bookmakers (ABB)	<p>The ABB pressed for any conditions regarding door supervisors to only be used in exceptional cases where the particular circumstances of the case make it both necessary and proportionate. The ABB argued that historically door supervision has not been necessary at bookmakers. They suggested the following wording:</p> <p>“There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.”</p>	While the Council is generally happy with the current wording in the draft policy which suggests the use of all conditions including door supervisors will be done on a case by case basis we will revisit the section on ‘conditions’ to ensure that it clearly shows that door supervisors will not be imposed without proper due consideration of sound evidence that there are specific risks at the particular premises in question, which need to be addressed.	The council has amended several paragraphs to address the concerns of the ABB. Principally the term ‘door supervisors’ has been replaced with ‘supervision of entrances’ which should offer more flexibility for operators. See para 13.15
Association of British Bookmakers (ABB)	The ABB expressed concern at the draft policy’s statement regarding location issues and asked that the following statement be added, “The Council will	While the ABBs concern is noted it goes without saying that any decision the Licensing Authority takes would be evidential taking in to account the particular circumstances of the	The ABBs suggested wording has been employed at 13.9. In addition The policy has been updated to remove the reference to proximity.

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Source	Comments made / summary of comments	Reply	Policy Changes
	<p>require evidence that the particular location of the premises would be harmful to the licensing objectives. The mere location of the premises near to any of the premises or area referred to will not in itself result in the application being refused.”</p>	<p>application in question. The sub policy to look at location issues should be taken in the context of the wider policy aims set down at para 1.5 and para 5.1. We will however consider the wording suggested by the ABB within para 13.9.</p>	<p>Instead we now ask for the possible impact a gambling premises may have on any schools, vulnerable adult centres or residential districts in the area. Clearly proximity is a difficult term to define and may suggest that impacts would only be considered if they take place in the immediate vicinity of the premises. It is hoped this amendment will allow wider impacts to be assessed which, although further away from a given premises could still be linked to such premises.</p>
<p>Association of British Bookmakers (ABB)</p>	<p>With regards enforcement the ABB asked that the following paragraph be inserted, “ The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.</p>	<p>Given that the Statement of Gambling Policy is a high level strategic document aimed at a multitude of business types the Council takes the view that it should not include specific operational arrangements focused on any one particular sector. This suggestion will be noted and considered in any local enforcement protocol.</p>	<p>None required.</p>
<p>Roger Etchells</p>	<p>Roger Etchells raised concern that the draft policy did not include more information on representations stating, “We note at para 7.6 that the issue of representations is to be the subject of a separate guidance note. We do not believe it appropriate for separate guidance to be provided in relation to the making of representations. Such guidance should be contained in the</p>	<p>When LCC comes to prepare its guidance on the making of representations it will act in accordance with the primary legislation, any related regulations plus guidance issued by the Gambling Commission. Accordingly Leeds City Council takes the view that all these documents will have been through a thorough consultation process prior to release and as LCC will not depart from this guidance our approach will be consistent with national</p>	<p>Para 7.6 has been amended to include reference to the fact that our guidance will be prepared in accordance with any relevant statutory instruments and any gambling commission guidance once such documents are released.</p>

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Source	Comments made / summary of comments	Reply	Policy Changes
	policy and should be the subject of a full consultation with all sectors to ensure that all have an opportunity to comment. Accordingly any such guidance should be in the main policy document and have been fully consulted on.	guidelines and best practice. We do however accept that it may be useful to indicate something of this nature within the policy.	
Roger Etchells	Roger Etchells raised concerns with regards to para 13.11 of the draft statement stating, “The third (final sentence) of paragraph 13.11 seems to amount to a duplication of the planning process contrary to the first part of the paragraph and contrary to the guidance set out in the Gambling Commission’s guidance to local authorities of April 2006. We would urge that the sentence be deleted.	Council is unclear as to the meaning of this representation. Clarification sought from Roger Etchells.	None required
Roger Etchells	Roger Etchells raised concerns with regards to para 14 of the draft statement stating, “We are concerned about the reference to possible conditions referring to proof of age, CCTV, door supervision and opening hours. We appreciate that such conditions are said not to be mandatory but are concerned that the reference to matters which are set out as potentially being the subject of conditions will, in effect, establish a presumption that conditions should be imposed in respect of those matters.	Leeds City Council takes the view that guidance should be contained in the policy as to the areas that could be made the subject of conditions so that applicants can then address such matters through their applications. The Council is still bound to operate in accordance with the Act and applicants have the power of appeal if they feel the Council has departed from its policy or the legislation.	The council has amended several paragraphs to clarify the concerns expressed by Roger Etchells. (See particularly para 14.4) In essence the amendments seek to clarify that the council will not seek to add conditions accept where there is clear evidence that conditions are required because the mandatory or default conditions have failed to address such issues. Also at para 13.18 of the policy the council has inserted details taken from para 9.22 of the guidance issued to licensing authorities by the Gambling Commission, which gives an overview of how and when additional conditions should be used.

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Source	Comments made / summary of comments	Reply	Policy Changes
British Beer and Pub Association (BBPA)	The BBPA made comments regarding the automatic entitlement embedded in the Act for alcohol licensed premises to provide 2 gaming machines. They also consider that generally there should be no reason why alcohol licensed premises should not be able to benefit from providing more than two machines by applying for the requisite permit under the Act and that that it may be useful for the policy statement to reflect this.	Leeds City Council will consider if a statement can be incorporated in the policy which reflects this suggestion retaining the important provision in the Act which permits licensing authorities, during the application process, to satisfy themselves regarding such matters as they think relevant”.	None required
The Race Course Association (The RCA)	The RCA is concerned that the Licensing Authority may require separate licences for certain facilities – They state, “The Council may require off-course operators with on-course facilities to hold a separate betting premises licence for this area. Discussions with DCMS have indicated that this will not be a mandatory requirement, and will be at the discretion of the racecourse and the betting operator. This should be reflected in the statement of principles.”	Currently the statement indicates at Para 18.6 the following, “The Council agrees with the Commission’s view that it is preferable for all self-contained premises operated by off-course betting operators on tracks to be the subject of separate premises licences. This ensures that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.” The Council will investigate if this policy is at odds with DCMS guidance and if necessary make any change accordingly.	This section has been thoroughly redrafted to indicate the special arrangements that will apply to tracks. The policy now indicates that off course operators providing betting facilities in self contained units may be able to operate under the authority of the track operators premises licence but where such arrangements take place, it will be the responsibility of the track operator to ensure the correct conduct of betting operations within the premises boundary. (see paras 18.1 – 18.5)
The Race Course Association	The RCA note that councils may apply conditions to racecourse premises licences to try and create a suitable betting environment, given that operators may not be required to hold an operators licence. The RCA ask that these conditions do not exceed those conditions as are to be outlined by the DCMS.	The Council will operate within the default and mandatory conditions framework. At present the policy only suggests that the LA will expect applicants to offer their own measures to meet the licensing objectives, offering a list of areas that they may wish to focus on. While the RCA reply is appreciated, the Council is mindful that ‘tracks’ extend to a disparate number of premises types including dog tracks and sports stadia. For this reason the Council is seeking	See new para 13.18 of the policy which contains details taken from para 9.22 of the guidance issued to licensing authorities by the Gambling Commission, which gives an overview of how and when additional conditions should be used.

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Source	Comments made / summary of comments	Reply	Policy Changes
		to include enough flexibility in this section of the policy to deal with all these different premises types.	
British Casino Association	<p>The BCA sought to make some general observations about the casino industry through its consultation reply.</p> <p>The BCA stated that as the operation of casinos has been highly regulated over the past 40 years, the introduction of the 'new' legislation will not impact on the high level of integrity with which these premises have historically operated.</p> <p>The final point the BCA wished to make related to licence conditions and to draw specific attention to para 9.29 of the Gambling Commission's guidance to Licensing Authorities which identifies matters which cannot be the subject of conditions.</p>	None required	None required
Gamcare	<p>Gamcare asked the Council to recognise that under the new Act it has a 'duty of care' to become corporate parents assisting residents of the authority with gambling addictions.</p> <p>The reply also included a summary document containing a list of inclusions, which form GamCare's viewpoint of what should be included in either the policy or as licensing conditions, these are as follows:</p> <ul style="list-style-type: none"> <li>• Leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet such as toilets.</li> <li>• Self exclusion forms available</li> </ul>	These suggestions are noted and will be considered.	<p>We have incorporated a number of the measures suggested by Gamcare at para 12.7.</p> <p>See as follows:</p> <p>Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example:</p> <ul style="list-style-type: none"> <li>• Leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets.</li> <li>• Trained personnel for the purpose of identifying and providing support to vulnerable persons</li> <li>• Self exclusion schemes</li> <li>• Stickers or notices on gaming</li> </ul>



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Source	Comments made / summary of comments	Reply	Policy Changes
	<ul style="list-style-type: none"> <li>• Operators should have regard to best practice issued by organisations that represent the interests of vulnerable people</li> <li>• Fixed Odds Betting Terminals (FOBTs) should clearly display odds</li> <li>• All ATMs or cash terminals should be separate from gaming machines so that clients will have to leave the machine area to acquire funds if so required. The ATMs should also display stickers with GamCare Helpline positioned prominently on the machine</li> <li>• Casinos should be obliged to provide compulsory non-gambling areas or 'chill out rooms'.</li> <li>• Posters should be displayed on gambling premises suggesting 'stay in control of your gambling' with details of GamCare telephone number and website.</li> </ul>		<p>machines to identify the stakes/prizes</p> <ul style="list-style-type: none"> <li>• Operators should demonstrate there understanding of best practice issued by organisations that represent the interests of vulnerable people</li> <li>• Fixed Odds Betting Terminals should clearly display the odds</li> <li>• Positioning of ATM machines</li> <li>• Stickers / posters with GamCare Helpline and website in prominent locations, ie on ATM machines</li> <li>• Windows, entrances and advertisements to be positioned or designed not to entice passers by.</li> </ul>
RAL Limited	<p>RAL limited expressed deep concern at any suggestion that a condition should be imposed on adult gaming centre premises licences requiring door supervisors especially as a mandatory condition. RAL sited various lines of argument Namely: to impose door supervisors on the grounds of crime and disorder would be disproportionate given the tenuous link between AGCs and any crime or disorder, AGCs are currently well managed premises who take their social responsibility duties with regards to children and vulnerable persons very</p>	<p>The Council fully accepts the comments made however the policy statement repeatedly details the overriding principle of assessing each individual application on its merits on a case by case basis. For this reason we feel no policy changes are required.</p>	<p>The council has amended several paragraphs to clarify the concerns expressed by RAL Limited. (See particularly para 14.4) In essence the amendments clarify that the council will not seek to add conditions (inc those related to 'door supervision') accept where there is clear evidence that conditions are required because the mandatory or default conditions have failed to address such issues. Also at para 13.18 of the policy the council has inserted details taken from para 9.22 of the guidance</p>

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Source	Comments made / summary of comments	Reply	Policy Changes
	<p>seriously. To impose door supervisors would be unduly costly, onerous and burdensome on businesses that have already demonstrated their ability to uphold the licensing objectives.</p>		<p>issued to licensing authorities by the Gambling Commission, which gives an overview of how and when additional conditions should be used.</p>
<p>Montpelier Estates                    Montpelier Estates Cont...</p>	<p>Montpellier Estates offered several detailed replies using a consultation questionnaire to structure their comments.                      1) Montpellier estates indicated that the draft policy did not include sufficient control measures to promote the crime prevention licensing objective. They suggested that a steering group should be established under the banner of the Leeds Initiative which could have an advisory role reporting to the council. The steering group would have regular contact with gaming operators, key community groups and the public. This would enable the council, in the form of the steering group, to have an ongoing arms length influence on the industry and facilitate the assessment of the attitudes and policies of gaming operators towards preventing gambling becoming a source of crime and disorder. The steering group together with the police should be involved in the design and build stage of new gaming premises, particularly for casinos under the new Act to ensure that the opportunities for crime and disorder are minimised from the outset.</p>	<p>1) This suggestion will be forwarded to the relevant team within Development for their consideration including the team dealing with the large/regional casino bid.</p>	<p>1) This was discussed at the Executive Board meeting on Wednesday 20<sup>th</sup> September 2006 and it was agreed that it would be a matter for the Development Department.</p>

Draft Gambling Policy – Key Consultation Messages

Source	Comments made / summary of comments	Reply	Policy Changes
<p>Montpelier Estates Cont...</p>	<p><b>2)</b> Montpellier estates also suggested measures to help bolster the policy in order to help children and vulnerable persons suggesting that operators of gaming establishments should be required to help fund education programmes and PR campaigns aimed at vulnerable members of the community. There could be varying degrees of involvement depending on turnover of the establishment and programmes could range from simple leafleting at the front desk of gaming venues through to organised educational schemes whereby disadvantaged children could be taught maths together with the potential hazards of gambling by means of learning about odds, multiplication, fractions, etc.</p> <p><b>3)</b> In terms of gaming machines Montpellier estates felt the policy required more stringent policies to be drawn up, for example Category C machines should not be allowed in the same room as category D machines and the access point between the two rooms should be supervised to ensure children can not gain access to restricted areas. The reply highlighted concern that superficial measures such as a coloured lines on the floor or rope barriers to delineate two gaming areas where children can see the higher stake machines beyond the barrier would only serve as an enticement.</p>	<p><b>2)</b> It is the Council's view that this would be an operational decision for the individual operator and while a useful suggestion would be unsuitable for a high level strategic document such as the Statement of Gambling Policy which is a document aimed at the principles of licensing. The suggestion will be noted however for consideration at any appropriate forums.</p> <p><b>3)</b> These suggestions are noted and will be considered.</p>	<p><b>2)</b> None required</p> <p><b>3)</b> These suggestions have been incorporated at para 14.6 covering Licensed family entertainment centres and also at para 16.2 covering bingo premises. In both cases the first bullet point now strengthens our approach to separation mechanisms stating: "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</p>

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Source	Comments made / summary of comments	Reply	Policy Changes
	<p>4) Finally Montpellier Estates sought to highlight the advantages of locating any new casino developments in the city centre making the case that locating the casino in such an area would give the greatest chance of long term success for the casino, the entertainment complex and the city. They stated it would allow the most cost effective policing and monitoring, combined with an integrated design process which would minimise the detrimental effects of any such development.</p>	<p>4) This suggestion will be forwarded to the relevant team within Development for their consideration including the team dealing with the large/regional casino bid.</p>	<p>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.” 4) None required</p>

**Section 2 - Questionnaire replies**

<b>Question 1) - Does the policy do enough to promote the crime prevention licensing objective?</b>				
<b>Respondent ID(s)</b>	<b>Type</b>	<b>Comments made / summary of comments</b>	<b>Reply</b>	<b>Policy Changes</b>
GQU/0089	Sports club	I think all gambling premises should be well away ½ mile from schools, youth clubs and any places that cater for younger citizens.	The Council acknowledges this suggestion and has undertaken in the draft policy to investigate location issues such as these at Para 13.9. Any blanket policy such as the one suggested here would be outside the scope of the Act.	The policy has been updated at para 13.9 to remove the reference to proximity. Instead we now ask for the possible impact a gambling premises may have on any schools, vulnerable adult centres or residential districts in the area. Clearly proximity is a difficult term to define and may suggest that impacts would only be considered if they take place in the immediate vicinity of the premises. It is hoped this amendment will allow wider impacts to be assessed which, although further away from a given premises could still be linked to such premises.
GQU/0099	Anonymous Religious Body	Gambling should not even be considered in a high risk area. It is highly inappropriate and would put an extra burden on the police.	The Council acknowledges this comment however the Licensing Authority must assess each application on its merits in line with the provisions of the Act.	None required
GQU/0018	Anonymous Member of the public	More documented evidence of how the Council will work together with the police.	The Council has undertaken to prepare an enforcement protocol in conjunction with West Yorkshire Police and the other responsible authorities when the Act is	None required

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<b>Question 1) - Does the policy do enough to promote the crime prevention licensing objective?</b>				
<b>Respondent ID(s)</b>	<b>Type</b>	<b>Comments made / summary of comments</b>	<b>Reply</b>	<b>Policy Changes</b>
			brought into full effect. This document will explain how the police and LA will work together to promote this licensing objective.	
GQU/0017	Anonymous Other business owner	Very controlled regulation over people involved in the business, and restricted advertising techniques, and power to close the place down if its too much trouble socially.	i) The new Gambling Act by its very nature is an attempt to effectively regulate the gambling industry. ii) Advertising of some gambling products is restricted under the current licensing regime and the new Act and accompanying regulations will overhaul much of this old legislation. It should be noted however that the Council's remit under the Act does not extend to advertising. iii) Part 15 of the Act provides the Gambling Commission, local authorities, licensing authorities and the police with the powers necessary to monitor compliance with the provisions of the Act and with licence conditions, and to investigate suspected offences. There will be various means of addressing problem premises including powers of prosecution, closure powers and licence reviews.	None required
GQU/0062	Member of the public (non anonymous)	Council and Police enforcement protocols are notoriously deficient in both financial and material resources of appropriate quality and quantity.	None required	None required

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<b>Question 2) - Does the policy do enough to ensure gambling is conducted in a fair and open way?</b>				
<b>Respondent ID(s)</b>	<b>Type</b>	<b>Comments made / summary of comments</b>	<b>Reply</b>	<b>Policy Changes</b>

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<b>Question 2) - Does the policy do enough to ensure gambling is conducted in a fair and open way?</b>				
<b>Respondent ID(s)</b>	<b>Type</b>	<b>Comments made / summary of comments</b>	<b>Reply</b>	<b>Policy Changes</b>
GQU/0009	Anonymous Member of the public	Someone needs to ensure that gambling is conducted in a fair and open way - to protect vulnerable people being exploited. If it's not the local council who issues the licence, (can could withdraw or suspend it) and it must go to the police and face criminal investigation, which let's face it, is more costly and less likely to happen, then there is more chance of venues being less stringent in this area.	The Council notes guidance issued to Licensing Authorities from the Gambling Commission which states, "Generally the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence.	None required
GQU/0011	Anonymous sports centre	Statistical scrutiny of gaming events (roulette wheels) and financial payouts/profits	This would be a matter for the Gambling Commission. NB: The new regime brings in controls over the companies which manufacture gaming equipment. There are controls in place within this framework to ensure the technical standards of gaming equipment.	None required
GQU/0067	Anonymous Member of the public	If things are not conducted in a fair and open way will this not lead to other crimes/revenges possibly.	The Council accepts that there could be a link between the licensing objectives of 'ensuring gambling is conducted in a fair and open way' and the objective of 'preventing gambling from being a source of crime or disorder.' The Council will consider if any policy changes are required to implicitly make this link and suggest any potential control measures.	While the council accepts there may be a link in this area we feel it would be difficult to address in the policy document. It should be noted that the objective of ensuring gambling is conducted in a fair and open way will, primarily be a matter for the Gambling Commission and will be addressed through the operating licence.

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<b>Question 2) - Does the policy do enough to ensure gambling is conducted in a fair and open way?</b>				
<b>Respondent ID(s)</b>	<b>Type</b>	<b>Comments made / summary of comments</b>	<b>Reply</b>	<b>Policy Changes</b>
GQU/0092	Clifford Parish Council	11.2 "...Other information." Should be clarified. Also the action "...to communicate..." should also be followed up by what action is taken by the G.C in view of the Councils concerns.	The Council will consider the first point in respect of clarifying what is meant by 'other information' however in respect of the second point the Council would argue that this level of detail would be unsuitable for a policy statement especially as it extends to a third party.	'11.2 "...other information" changed to read .."other matters as set out in the Gambling Commissions Code of Practice."
GQU/0009	Anonymous Member of the public	Someone needs to ensure that gambling is conducted in a fair and open way - to protect vulnerable people being exploited. If it's not the local council who issues the licence, (can could withdraw or suspend it) and it must go to the police and face criminal investigation, which let's face it, is more costly and less likely to happen, then there is more chance of venues being less stringent in this area.	The Council notes guidance issued to Licensing Authorities from the Gambling Commission which states, "Generally the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence.	None required
GQU/0011	Anonymous sports centre	Statistical scrutiny of gaming events (roulette wheels) and financial payouts/profits	This would be a matter for the Gambling Commission. NB: The new regime brings in controls over the companies which manufacture gaming equipment. There are controls in place within this framework to ensure the technical standards of gaming equipment.	None required

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<b>Question 3a) - Does the policy do enough to protect children and the vulnerable from harm?</b>				
<b>Respondent ID(s)</b>	<b>Type</b>	<b>Comments made / summary of comments</b>	<b>Reply</b>	<b>Policy Changes</b>
GQU/0009	Anonymous Member of the public	Gambling is addictive and other countries with broader gambling laws show that vulnerable/poorer people and young people develop habits and lose income. There must be a proactive policy of supporting people to control their habit, reduced access to easy cash or credit once in the premises, and positive support from managers of premises, eg if someone asks to be banned from premises to prevent them coming back in when they feel vulnerable. These schemes should be promoted by the local Council since it's unlikely the companies themselves will be proactive.	Self barring schemes are already in existence in a number of premises and the DCMS is currently consulting on mandatory conditions related to the provision of ATMs on gambling premises. The Council will monitor developments in this area before making any necessary changes to the draft policy.	We have incorporated a number of the measures suggested here which also reflect those offered by Gamcare. See para 12.7 in the policy and also Gamcare's response detailed in the table in Section 1 previously.
GQU/0017	Other business owner	Once people are hooked it is too late, its difficult to recover. Maybe make casinos hire staff with an understanding of psychology and addiction, to keep this under control.	This would be a matter for the Gambling Commission to consider however it is important to note that the application process for the new system of personal licences for key gambling personnel includes extensive checks into a person's identity, character, financial background, training, and experience.	See above
GQU/0023	Gambling business	Raising the age of eligibility for the purchase of lottery tickets/scratchcards (ie. from 16 to 18)& liquor stores (ie. from 18-21) plus the exclusion of ATM machines to all licensed premises.	The first two points are outside the scope of the Gambling Act 2005. In regards to the third point the DCMS is currently consulting on mandatory conditions related to the provision of ATMs on gambling premises. The Council will monitor developments in this area before making any necessary changes to the draft policy or indeed the	The council has undertaken to consider the position of ATMs on licensed premises and has also suggested that applicants should consider the use of stickers on ATM

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<b>Question 3a) - Does the policy do enough to protect children and the vulnerable from harm?</b>				
<b>Respondent ID(s)</b>	<b>Type</b>	<b>Comments made / summary of comments</b>	<b>Reply</b>	<b>Policy Changes</b>
			finalised policy once it is published.	machines displaying information about the Gamcare helpline and website. See para 12.7
GQU/0086	Faith group	It is the enforcing of conditions that is crucial to the protection of children and vulnerable persons.	The Council would reply that this goes without saying however the Council is bound to operate within the framework of better regulation which advocates a risk based approach to enforcement. The Council will in due course produce an enforcement protocol in conjunction with West Yorkshire Police and the other responsible authorities when the Act is brought into full effect which will expand further on enforcement principles and arrangements.	None required
GQU/0100	Otley Town Council	There should be door supervision, but the supervisors should be trained, and should be Security Industry Authority Licensed personnel. Cash Machines (ATMs) should not be allowed in any premises which are used for gambling, so as not to encourage people to spend more than they have.	The Council may have the power to apply conditions related to SIA registered door staff at certain premises however it is important to note that the Act does not allow the Licensing Authority to impose such conditions in respect of casinos or bingo clubs. In regards to the second point the DCMS is currently consulting on mandatory conditions related to the provision of ATMs on gambling premises. The Council will monitor developments in this area before making any necessary changes to the draft policy or indeed the finalised policy once it is published..	The council has undertaken to consider the position of ATMs on licensed premises and has also suggested that applicants should consider the use of stickers on ATM machines displaying information about the Gamcare helpline and website. See para 12.7
GQU/0012	Anonymous Member of the public	In addition premises should be constantly warded and continuously policed to ensure young persons are not admitted. Also, citing	While the Council accepts the call for strong and effective regulation of the gaming industry, the Council is still bound to operate within the framework of better regulation	None required

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<b>Question 3a) - Does the policy do enough to protect children and the vulnerable from harm?</b>				
<b>Respondent ID(s)</b>	<b>Type</b>	<b>Comments made / summary of comments</b>	<b>Reply</b>	<b>Policy Changes</b>
		should be well away from schools and colleges.	which advocates a risk based approach to enforcement. The Council will in due course produce an enforcement protocol in conjunction with West Yorkshire Police and the other responsible authorities when the Act is brought into full effect which will expand further on enforcement principles and arrangements. With regards the second point, The Council acknowledges this suggestion and has undertaken in the draft policy to investigate location issues such as these at Para 13.9. Any blanket policy such as the one suggested here would however be outside the scope of the Act.	
GQU/0043	Anonymous Member of the public	There should be an expectation of conditions, not just “consideration”. Protecting children and the vulnerable should be a top priority.	The Council notes guidance issued to Licensing Authorities from the Gambling Commission which states, “Licensing authorities should bear in mind their duty to act in accordance with the principles set out at section 153 of the Act. Since they should aim to permit the use of premises for gambling, they should not attach conditions that limit the use of premises for gambling except where that is necessary as a result of the requirement to act: in accordance with this guidance, the Gambling Commission codes of practice or the licensing policy statement; or in a way that is reasonably consistent with the licensing objectives.” The Council would argue that the policy statement in its current form reflects these requirements.	None required

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<b>Question 3a) - Does the policy do enough to protect children and the vulnerable from harm?</b>				
<b>Respondent ID(s)</b>	<b>Type</b>	<b>Comments made / summary of comments</b>	<b>Reply</b>	<b>Policy Changes</b>
GQU/0058	Anonymous Member of the public	Better and more visible presence of information on charities such as 'GamCare' for those vulnerable to gambling.	The Council notes this point and will be revisiting the sections in the draft policy which deal with the display of support information for problem gamblers, to see if any changes are required.	We have incorporated a number of the measures suggested here which also reflect those offered by Gamcare. See para 12.7 in the policy and also Gamcare's response detailed in the table in Section 1 previously.
GQU/0029	Gambling business	Most problem gambling emulates from betting offices and yet FOBTs have mushroomed. This must be causing harm to vulnerable people.	The Council is aware that FOBT's in bookmakers do give rise to special concern and the Council will be reviewing this section of the policy to see if any extra control measures are required.	The council has made specific reference to FOBTs at para 17.3. The newly inserted paragraph refers applicants who may wish to provide higher stake category B gaming machines including FOBTs to the list of control measures at para 12.7 (the protection of vulnerable persons.)

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<b>Question 3b) - What are your thoughts on our suggested approach regarding gaming machines?</b>				
<b>Respondent ID(s)</b>	<b>Type/Organisation</b>	<b>Comments made / summary of comments</b>	<b>Reply</b>	<b>Policy Changes</b>
GQU/008	Member of the public	High stake machine centres should require membership schemes to prevent low income occasional gamblers access. Membership	It is the Council's view that this would be an operational decision for the individual operator and any such control measure would be outside the scope of the Act. See	None required

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<b>Question 3b) - What are your thoughts on our suggested approach regarding gaming machines?</b>				
<b>Respondent ID(s)</b>	<b>Type/Organisation</b>	<b>Comments made / summary of comments</b>	<b>Reply</b>	<b>Policy Changes</b>
		schemes should seek to protect members from financial hardship.	detail at section 9.29 of the Gambling Commission's guidance for local authorities. It is interesting to note that following the relaxation of membership requirements for casinos some casinos still operate membership schemes voluntarily.	
GQU/0009	Member of the public	If high stake machines are in the same vicinity but different areas, young people will manage to get in, and the higher stake machines become associated with 'adulthood' - they should be in different locations altogether.	The Council notes this reply and will be reviewing all sections of the policy which cover this area to ensure the policy reflects the most up to date best practice in this regard.	Stronger measures in this area have been incorporated at para 14.6 covering Licensed family entertainment centres and also at para 16.2 covering bingo premises. In both cases the first bullet point now strengthens our approach to separation mechanisms stating: "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

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<b>Question 3b) - What are your thoughts on our suggested approach regarding gaming machines?</b>				
<b>Respondent ID(s)</b>	<b>Type/Organisation</b>	<b>Comments made / summary of comments</b>	<b>Reply</b>	<b>Policy Changes</b>
				markings or similar provision will not suffice and the council may insist on a permanent barrier of at least 1 meter high.”
GQU/0018 GQU/0023 GQU/0005 GQU/0012 GQU/0016 GQU/0082 GQU/0088 GQU/0025 GQU/0099	Various including members of the public and miscellaneous organisations	All of these respondents made representations asking that children should not be permitted to enter any premises which provide gaming machines whether low stake or otherwise.	While these comments are appreciated it is important to note that Leeds City Council has no power to restrict children playing Category D gaming machines, where the operator has the correct permit/licence, as this allowance is permitted by the Act.	Various amendments have been made which concentrate on the protection of children, with particular reference to the supervision of children by adults and policies to deal with truants. See ninth, twelfth and thirteenth bullet points at para 13.15.
GQU/0100	Otley Town Council	"Family Entertainment Centres" must be considered to be exactly that. No child should be allowed unless in the care of a responsible adult. No unaccompanied children should be admitted at all, to prevent children, especially truants, congregating inside or outside the premises and causing disorder.	These suggestions are noted and will be considered.	Various amendments have been made in this regard, with particular reference to children and truants. See ninth, twelfth and thirteenth bullet points at para 13.15.
GQU/0062	Member of the public (non anonymous)	Although I am not experienced in child or young person behaviour, I suggest that unlicensed FEM gaming machines could be operated by tokens bought on site from a responsible human vendor. This exercises control on use.	This suggestion is noted and will be considered.	Section 172(10) of the Act prohibits local authorities from applying conditions which relate to gaming machine categories, numbers, or method of operation.
GQU/0060	Member of the	It is impossible to tell who is a	None required	We have incorporated

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<b>Question 3b) - What are your thoughts on our suggested approach regarding gaming machines?</b>				
<b>Respondent ID(s)</b>	<b>Type/Organisation</b>	<b>Comments made / summary of comments</b>	<b>Reply</b>	<b>Policy Changes</b>
	Public	vulnerable adult or person so the existence of machines which give the illusion of a high reward will inevitably lead some people into spending more money than they have.		control measures related to the concerns raised here. The measures were offered by Gamcare. See para 12.7 in the policy and also Gamcare's response detailed in the table in Section 1 previously.

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<b>Question 3c) - Do you think the suggested policy related to location issues is needed?</b>				
<b>Respondent ID(s)</b>	<b>Type</b>	<b>Comments made / summary of comments</b>	<b>Reply</b>	<b>Policy Changes</b>
GQU/0018	Member of the public	Gambling should not be near any residential area whatsoever.	The Council acknowledges this suggestion and has undertaken in the draft policy to investigate location issues such as these at Para 13.9. Any blanket policy such as the one suggested here would however be outside the scope of the Act.	The policy has been updated at para 13.9 to remove the reference to proximity. Instead we now ask for the possible impact a gambling premises may have on any schools, vulnerable adult centres or residential districts in the area. Clearly proximity is a difficult term to define and may suggest that impacts would only be considered if they take place in the immediate vicinity of the premises. It

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<b>Question 3c) - Do you think the suggested policy related to location issues is needed?</b>				
<b>Respondent ID(s)</b>	<b>Type</b>	<b>Comments made / summary of comments</b>	<b>Reply</b>	<b>Policy Changes</b>
				is hoped this amendment will allow wider impacts to be assessed which, although further away from a given premises could still be linked to such premises.
GQU/0086	Faith Group	Whilst people of faith have to live within the legal framework of the country, sensitivity to faith concerns need to be taken into account in the siting of citywide projects. Consideration should be taken of particular density of faith demography in the city.	This comment will be forwarded to the relevant team within Development for their consideration including the team dealing with the large/regional casino bid.	None required
GQU/0085	Member of the public	If gambling is accepted as a legitimate entertainment and is reasonably regulated, it ought not be 'hidden away' from youngsters etc. It would be preferable if they were able to learn rather than be kept in ignorance. - There is a danger of being overly protective.	While it is acknowledged we are suggesting a policy which will investigate location issues, where relevant representations are received, we sill expect that market forces will be the primary driver for the location of gambling businesses and a scenario will not unfold where gambling premises are routinely 'hidden away'.	None required – NB: The legislation has in some areas been relaxed insofar as children are now allowed in bingo halls.
GQU/0025	Ward Councillor	Need definition of proximity.	This suggestion is noted and will be considered.	The policy has been updated at para 13.9 to remove the reference to proximity. Instead we now ask for the possible impact a gambling premises may have on any schools, vulnerable adult centres or residential districts in the area. Clearly proximity is



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<b>Question 3c) - Do you think the suggested policy related to location issues is needed?</b>				
<b>Respondent ID(s)</b>	<b>Type</b>	<b>Comments made / summary of comments</b>	<b>Reply</b>	<b>Policy Changes</b>
				a difficult term to define and may suggest that impacts would only be considered if they take place in the immediate vicinity of the premises. It is hoped this amendment will allow wider impacts to be assessed which, although further away from a given premises could still be linked to such premises.

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<b>Question 3d) - What are your thoughts on our suggested approach regarding assistance to vulnerable persons?</b>				
<b>Respondent ID(s)</b>	<b>Type</b>	<b>Comments made / summary of comments</b>	<b>Reply</b>	<b>Policy Changes</b>
GQU/0009	Member of the public	There needs to be a proactive outreach and it should be a condition of the license that someone on each premises should be responsible for monitoring possible vulnerable people, and supporting/referring them, obviously this will apply more to some premises than others. Is there any obligation for the Gambling Commission to fund a gambling charity?	While the Council acknowledges this useful suggestion we feel it would be extremely difficult to apply as a condition on a licence and would be thwart with legal difficulties. In addition such control measure would probably be outside the scope of the Council's licensing policy.	We have touched upon this area at para 12.7 and have suggested that 1) operators should be able to demonstrate a knowledge of best practice in the area of 'vulnerable persons' and 2) they should also consider whether it is necessary to employ staff trained in this area.
GQU/0017	Other business	It's closing the door after the horse	While the Council accepts that problem	We have incorporated a

<b>Question 3d) - What are your thoughts on our suggested approach regarding assistance to vulnerable persons?</b>				
<b>Respondent ID(s)</b>	<b>Type</b>	<b>Comments made / summary of comments</b>	<b>Reply</b>	<b>Policy Changes</b>
	owner	has bolted, people with addiction are not going to go to a government website for help, they probably will be out of control and unable to help themselves by then. You need to intervene early.	gamblers may not visit a council website to seek out support information, the provision of such information may also be of use to persons such as the family and friends of problem gamblers who may be more likely to visit a local authority site. This section of the policy will be thoroughly redrafted and the Council will consider various other means to promote this licensing objective accounting for the various suggestions made through the consultation process.	number of additional control measures in this area which reflect those suggested by Gamcare. See para12.7 in the policy and also Gamcare's response detailed in the table in Section 1 previously. In addition we have undertaken at para 12.5 to ensure information about the support services available for problem gamblers is distributed to a variety of public buildings including all one stop centres, libraries and leisure centres.
GQU/0086	Faith Group	Restrictive isn't the correct term- I do not want to be part of a police state but I think public authorities have a duty to publicise the potential dangers of gambling (as we do cigarettes and alcohol)as well as signposting to services that can support people. Monitoring of the increased use of such services needs to be undertaken in order to modify policy when and if necessary.	This suggestion is noted and will be considered.	None required
GQU/0100	Otley Town Council	People with problems with gambling are unlikely to access the council website for assistance. The operator should encourage strategies for self-	While the Council accepts that problem gamblers may not visit a council website to seek out support information the provision of such information may also be of use to	We have incorporated a number of additional control measures in this area which reflect those

<b>Question 3d) - What are your thoughts on our suggested approach regarding assistance to vulnerable persons?</b>				
<b>Respondent ID(s)</b>	<b>Type</b>	<b>Comments made / summary of comments</b>	<b>Reply</b>	<b>Policy Changes</b>
		help and provide prominent information on organisations where advice and help can be sought, such as GamCare, Gamblers Anonymous, National Debt-line and Mencap.	persons such as the family and friends of problem gamblers who may be more likely to visit a local authority site. This section of the policy will be thoroughly redrafted and the Council will consider various other means to promote this licensing objective accounting for the various suggestions made through the consultation process.	suggested by Gamcare. See para12.7 in the policy and also Gamcare’s response detailed in the table in Section 1 previously. In addition we have undertaken at para 12.5 to ensure information about the support services available for problem gamblers is distributed to a variety of public buildings including all one stop centres, libraries and leisure centres.
GQU/0012	Member of the public	As a “duty of care”, prospective gambling operators should recognise and eliminate risk before and during the visits. The onus will be on the operators.	None required	None required
GQU0016	Member of the public	Not too sure how this would prevent vulnerable people from gambling though.	This section of the policy will be thoroughly redrafted and the Council will consider various other means to promote this licensing objective accounting for the various suggestions made through the consultation process.	We have incorporated a number of additional control measures in this area which reflect those suggested by Gamcare. See para12.7 in the policy and also Gamcare’s response detailed in the table in Section 1 previously. In addition we have undertaken at para 12.5 to ensure information about the support

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<b>Question 3d) - What are your thoughts on our suggested approach regarding assistance to vulnerable persons?</b>				
<b>Respondent ID(s)</b>	<b>Type</b>	<b>Comments made / summary of comments</b>	<b>Reply</b>	<b>Policy Changes</b>
				services available for problem gamblers is distributed to a variety of public buildings including all one stop centres, libraries and leisure centres.
GQU/0021	Member of the public	Have a self-named non gambling list in operation in gambling establishments.	This suggestion is noted and will be considered.	As above
GQU/0034	Member of the public	Proof of stable mind to be shown and evidence of economic state to afford to lose.	While the Council acknowledges this useful suggestion we feel it would be extremely difficult to apply as a condition on a licence and would be thwart with legal difficulties. In addition such control measure would probably be outside the scope of the Council's licensing policy.	As above
GQU/0048 GQU/0101	Member of public	Do not think problem gamblers will access a council website.	While the Council accepts that problem gamblers may not visit a council website to seek out support information the provision of such information may also be of use to persons such as the family and friends of problem gamblers who may be more likely to visit a local authority site. This section of the policy will be thoroughly redrafted and the Council will consider various other means to promote this licensing objective accounting for the various suggestions made through the consultation process.	We have incorporated a number of additional control measures in this area which reflect those suggested by Gamcare. See para12.7 in the policy and also Gamcare's response detailed in the table in Section 1 previously. In addition we have undertaken at para 12.5 to ensure information about the support services available for problem gamblers is distributed to a variety of public buildings including

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<b>Question 3d) - What are your thoughts on our suggested approach regarding assistance to vulnerable persons?</b>				
<b>Respondent ID(s)</b>	<b>Type</b>	<b>Comments made / summary of comments</b>	<b>Reply</b>	<b>Policy Changes</b>
				all one stop centres, libraries and leisure centres.
GQU/0043	Member of the public	Information on support services needs to be on clear display on the premises in question, not just on council website.	This section of the policy will be thoroughly redrafted and the Council will consider various other means to promote this licensing objective accounting for the various suggestions made through the consultation process.	As above
GQU/0060	Member of the public	There should be an obligation on gambling suppliers to assess the ability of the person to pay: analogous to the obligation of bar tenders not to serve someone who is drunk.	While the Council acknowledges this useful suggestion we feel it would be extremely difficult to apply as a condition on a licence and would be thwart with legal difficulties. In addition such control measure would probably be outside the scope of the Council's licensing policy.	As above
GQU/0029	Gambling Business	In casinos the display of Gamcare material is only mandatory as a result of membership of BCA. The council need to make it mandatory as a condition of getting a licence.	The Council plan to review the legislative framework and accompanying guidance documents from the GC and the DCMS to see what powers the LA has to invoke conditions in this regard. The Council will consider if any policy amendments are required following this exercise.	We have incorporated a number of additional control measures in this area which reflect those suggested by Gamcare. See para12.7 in the policy and also Gamcare's response detailed in the table in Section 1 previously. In addition we have undertaken at para 12.5 to ensure information about the support services available for problem gamblers is distributed to a variety of public buildings including all one stop centres,

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<b>Question 3d) - What are your thoughts on our suggested approach regarding assistance to vulnerable persons?</b>				
<b>Respondent ID(s)</b>	<b>Type</b>	<b>Comments made / summary of comments</b>	<b>Reply</b>	<b>Policy Changes</b>
				libraries and leisure centres.
GQU/0054	Morley Town Council	Information regarding support services available in council offices and libraries.	This suggestion is noted and will be considered.	As above
GQU/0092	Clifford Parish Council	Problem gamblers would not access support services as they are often in trouble before they realise the problem. Tight financial limits should be imposed on gamblers and the operators must ensure that they are adhered to.	This section of the policy will be thoroughly redrafted and the Council will consider various other means to promote this licensing objective accounting for the various suggestions made through the consultation process.	As above
GQU/0089	Other business owner	Vulnerable people or those with mental impairment are not likely to look for information on the website.	This section of the policy will be thoroughly redrafted and the Council will consider various other means to promote this licensing objective accounting for the various suggestions made through the consultation process.	As above
GQU/0099	Religious Body	Because gambling is addictive every person who gambles is a vulnerable person.	None required	None required

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<b>Question 3e) - Are there any other categories of person(s) who you feel we should mention in the policy who fall under the category of vulnerable?</b>				
<b>Respondent ID(s)</b>	<b>Type</b>	<b>Comments made / summary of comments</b>	<b>Reply</b>	<b>Policy Changes</b>
GQU/0009	Member of the public	people with learning disabilities, people with poor mental health or a mental illness (eg depression), people	These suggested additions will be considered during a thorough redraft of the policy.	Para 12.4 which seeks to clarify the term 'vulnerable person' has

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<b>Question 3e) - Are there any other categories of person(s) who you feel we should mention in the policy who fall under the category of vulnerable?</b>				
<b>Respondent ID(s)</b>	<b>Type</b>	<b>Comments made / summary of comments</b>	<b>Reply</b>	<b>Policy Changes</b>
		who may be able to make informed decisions but for whom gambling provides something else fundamental eg depressed people who's social activity is gambling and may need support for that issue rather than 'problem' gambling.		been expanded. It now includes explicit reference to persons who may not be able to make informed or balanced decisions about gambling due to a mental impairment.
GQU/0018	Member of the public	Mental illness or learning disability	These suggested additions will be considered during a thorough redraft of the policy.	As above
GQU/0012	Member of the public	Elderly, especially woman, ethnic minorities.	These suggested additions will be considered during a thorough redraft of the policy.	Elderly persons have been added to the list of vulnerable persons categorised at para 12.4.
GQU/0043	Member of the public	People under stress in their lives, particularly those with large debts.	These suggested additions will be considered during a thorough redraft of the policy.	None required
GQU/0067	Member of the public	People with mental illness or people on medication that may effect their judgement.	These suggested additions will be considered during a thorough redraft of the policy.	Para 12.4 which seeks to clarify the term 'vulnerable person' has been expanded. It now includes explicit reference to persons who may not be able to make informed or balanced decisions about gambling due to a mental impairment.
GQU/0070	Members only club	Anyone who may not understand our language such as anyone who has recently come to live in our country.	These suggested additions will be considered during a thorough redraft of the policy.	None required
GQU/0089	Other business owner	The people who are most likely to gamble foolishly are those who are impoverished because they don't	These suggested additions will be considered during a thorough redraft of the policy.	None required

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<b>Question 3e) - Are there any other categories of person(s) who you feel we should mention in the policy who fall under the category of vulnerable?</b>				
<b>Respondent ID(s)</b>	<b>Type</b>	<b>Comments made / summary of comments</b>	<b>Reply</b>	<b>Policy Changes</b>
		know how to manage money and see gambling as an easy way out of financial difficulties.		
GQU/0088	Other business owner	Mentally deficient adults, those with learning disabilities who may not understand the consequences of their actions.	These suggested additions will be considered during a thorough redraft of the policy.	Para 12.4 which seeks to clarify the term 'vulnerable person' has been expanded. It now includes explicit reference to persons who may not be able to make informed or balanced decisions about gambling due to a mental impairment.



**Section 3 – Summary of Policy changes in paragraph number order**

Para number (new para numbers unless otherwise stated)	Amendments (additions shown in bold)	Notes
Front Cover - Title	Change “Leeds Statement of Gambling Policy”  To  “Gambling Act 2005 - Statement of Licensing Policy 2007 – 2010”	The title of the document has been changed to more accurately detail the purpose of the document which is to set out how the council will approach the licensing of gambling premises.
<b>2. The Leeds District</b>		
2.1	Change  “It [Leeds] is the second largest metropolitan district in England with excellent accessibility and transport connections and a population of 2.2 million people living within 30 minutes drive of the city centre.”  To:  “It [Leeds] is the second largest metropolitan district in England and has a population of 2.2 million people living within 30 minutes drive of the city centre.”	The reference to excellent transport links has been removed at the request of Overview and Scrutiny Committee.
2.4	“The success of arts and heritage organisations including the <b>Grand Theatre</b> , 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.”	Cllr Feldman requested that the Grand Theatre should be added to the list of arts and heritage organisations.
<b>3. The purpose of the Gambling Act 2005 – Statement of Licensing Policy</b>		
3.2	Bullet pointed summary of anticipated consultees updated to show actual consultees.	List updated to give an accurate summary of those consulted on the draft policy.

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Para number (new para numbers unless otherwise stated)	Amendments (additions shown in bold)	Notes
<b>7. Interested parties</b>		
7.6	<p>“The council will provide more detailed information on the making of representations in a separate guidance note.”</p> <p>Additional sentence added as follows:</p> <p>“The guidance note will be prepared in accordance with any relevant Statutory Instruments and any Gambling Commission guidance once such documents are released.”</p>	
<b>11. Ensuring that gambling is conducted in a fair and open way</b>		
11.2	<p>Change</p> <p>“The council will however 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 information.”</p> <p>to read:</p> <p>“The council will however 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 Code of Practice.”</p>	
<b>12. Protecting children and other vulnerable persons from being harmed or exploited by gambling</b>		
12.4	<p>Original para 12.4 amended from:</p> <p>As regards the term “vulnerable persons”, the council is not seeking to offer a definition but will, for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond</p>	<p>A strong call during the consultation was for elderly persons to be added to the list of vulnerable persons. In addition a number of respondents expressed concern that people with mental illnesses had not been included.</p>

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Para number (new para numbers unless otherwise stated)	Amendments (additions shown in bold)	Notes
	<p>their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, eg. alcohol or drugs.</p> <p>To read:</p> <p>“As regards the term “vulnerable persons”, the council is not seeking to offer a definition but will, for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means, <b>elderly persons</b> 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.”</p>	
12.4.1	<p>New para 12.4.1 added as follows:</p> <p>While the council acknowledges that it may be difficult for gambling premises staff to identify vulnerable persons, (especially in the case of persons who may have a mental illness) in the first instance the council would expect staff members to try and maintain an awareness of how much (eg. how long) customers are gambling. If it is perceived that any particular persons may be gambling excessively or are showing other obvious signs of being unwell then further investigation should follow to try and identify if the person may fall within the category of vulnerable.</p>	
12.5	<p>“The council will promote this objective by publishing information on the council website about the symptoms of problem gambling and the various support organisations which are available to help problem gamblers. These webpages will be prepared in conjunction with these support agencies.”</p> <p>Additional sentence added as follows:</p> <p>“In addition the council will also distribute promotional material about these services to all one stop centres, libraries and leisure centres in the district as well as any relevant community centres.”</p>	
12.7	Original 12. 7 deleted.	

Para number (new para numbers unless otherwise stated)	Amendments (additions shown in bold)	Notes
	<p>New 12.7 inserted as follows:</p> <p>Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example:</p> <ul style="list-style-type: none"> <li>• Leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets.</li> <li>• training for staff members which focuses on building an employee’s ability to maintain a sense of awareness of how much (eg. how long) customers are gambling, as part of measures to detect persons who may be vulnerable. (see 12.4.1)</li> <li>• Trained personnel for the purpose of identifying and providing support to vulnerable persons</li> <li>• Self exclusion schemes</li> <li>• Stickers or notices on gaming machines to identify the stakes/prizes</li> <li>• Operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people</li> <li>• Fixed Odds Betting Terminals should clearly display the odds</li> <li>• Positioning of ATM machines</li> <li>• Stickers / posters with GamCare Helpline and website in prominent locations, ie on ATM machines</li> <li>• Windows, entrances and advertisements to be positioned or designed not to entice passers by.</li> </ul>	
12.8	<p>New para 12.8 inserted as follows:</p> <p>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.</p>	

Para number (new para numbers unless otherwise stated)	Amendments (additions shown in bold)	Notes
<b>13. Introduction to premises licensing.</b>		
13.9	<p>Change:</p> <p>With regards to these objectives it is the council's policy, upon receipt of any relevant representations to look at specific location issues including:</p> <ul style="list-style-type: none"> <li>• the proximity of the premises to schools and vulnerable adult centres</li> <li>• the proximity of the premises to residential areas where there may be a high concentration of families with children</li> <li>• the size of the premises and the nature of the activities taking place</li> <li>• any levels of organised crime in the area.</li> </ul> <p>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.</p> <p>To read</p> <p>With regards to these objectives it is the council's policy, upon receipt of any relevant representations to look at specific location issues including:</p> <ul style="list-style-type: none"> <li>• the possible impact a gambling premises may have on any schools or vulnerable adult centres in the area</li> <li>• the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children</li> <li>• the size of the premises and the nature of the activities taking place</li> <li>• any levels of organised crime in the area.</li> </ul> <p>The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing</p>	

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Para number (new para numbers unless otherwise stated)	Amendments (additions shown in bold)	Notes
	objectives. Such evidence may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.	
13.12	Original 13.12 moved down to 13.13  New 13.12 added as follows:  Where there are specific risks or problems associated with a particular locality, or specific premises, or class of premises, the council will be able to attach individual conditions to address this.	
13.13 (formerly 13.12)	New bullet point added after third bullet point as follows:  <ul style="list-style-type: none"> <li>• consistent with the licensing objectives</li> </ul>	
13.14 (formely 13.13)	'use of door supervisors'  changed to read  'supervision of entrances'	
13.15	NB: Original 13.14 moved down to 13.17  New 13.15 added as follows: (based on old 14.4)  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:  <ul style="list-style-type: none"> <li>• proof of age schemes</li> <li>• CCTV</li> <li>• supervision of entrances</li> <li>• supervision of machine areas</li> <li>• physical separation of areas</li> <li>• location of entrance points</li> </ul>	

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Para number (new para numbers unless otherwise stated)	Amendments (additions shown in bold)	Notes
	<ul style="list-style-type: none"> <li>• notices / signage</li> <li>• specific opening hours</li> <li>• a requirement that children must be accompanied by an adult</li> <li>• enhanced CRB checks of the applicant and/or staff</li> <li>• support to persons with gambling addiction</li> <li>• policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as half terms and summer holidays</li> <li>• policies to address the problems associated with truant children who may attempt to gain access to premises and gamble</li> <li>• any one or a combination of the measures as set out at paragraph 12.7 of this policy</li> </ul>	
13.16	<p>New 13.16 added as follows:</p> <p>This list is not mandatory, nor 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.</p>	
13.18	<p>New 13.8 added as follows:</p> <p>The council is aware that the Secretary of State will set mandatory conditions and default conditions which are necessary for the general good conduct of gambling premises, therefore it is unlikely that the council will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been dealt with. If the council is minded to do so because there is regulatory concerns of an exceptional nature, then any additional licence conditions must relate to the licensing objectives.</p>	
13.19 (formerly 13.15)	<p>Where door supervisors are required at these premises it is the operators responsibility to ensure that any persons employed in this capacity are fit and</p>	

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Para number (new para numbers unless otherwise stated)	Amendments (additions shown in bold)	Notes
	<p>proper to carry out such duties.</p> <p>Changed to read:</p> <p>Where door supervisors are provided at these premises the operator should ensure that any persons employed in this capacity are fit and proper to carry out such duties.</p>	
14. Adult gaming centres and licensed family entertainment centres (LFECs)		
14.2	Second sentence of para 14.2 moved to become 14.5	
14.4	<p>Original 14.4 moved to 13.15 and expanded (see above).</p> <p>New 14.4 added as follows:</p> <p>Where certain measures are not already addressed by the mandatory/default conditions or by the applicant, the council may consider licence conditions to address such issues, examples of which are provided at paragraph 13.15.</p>	
14.5	<p>Original 14.5 moved to 14.7</p> <p>Second sentence of old para 14.2 now becomes 14.5 as follows:</p> <p>Licensed family entertainment centres will be able to make available a certain number of 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)</p>	
14.6	<p>New 14.6 added which includes measures previously shown at 16.2 including additional control measures as follows:</p> <p>Where category C or above machines are available in premises to which children are admitted then the council will ensure that:</p> <ul style="list-style-type: none"> <li>• all such machines are located in an area of the premises separate from the remainder of the premises by a physical</li> </ul>	



Para number (new para numbers unless otherwise stated)	Amendments (additions shown in bold)	Notes
	<p>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</p> <ul style="list-style-type: none"> <li>• only adults are admitted to the area where the machines (category C) are located</li> <li>• access to the area where the machines are located is supervised at all times</li> <li>• the area where the machines are located is arranged so that it can be observed by staff</li> <li>• at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.</li> </ul>	
14.7	<p>New 14.7 added which shows sentence formerly shown at 14.5 as follows:</p> <p>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 any mandatory or default conditions on these premises licences, when they have been published.</p>	
15. Casinos		
15.3	<p>Old 15.3 (casino resolution) deleted so new 15.3 becomes:</p> <p><b>Proposal for a casino</b> – Leeds City Council submitted a proposal for one large casino, to the Independent Casinos Advisory Panel. Details regarding this proposal can be found by contacting Leeds City Council’s Development Department.</p> <p>NB: all other items moved up</p>	
15.4	Final sentence edited from:	The reference to children has been removed as children should not be on the premises in

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Para number (new para numbers unless otherwise stated)	Amendments (additions shown in bold)	Notes
	<p>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 by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.</p> <p>To:</p> <p>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.</p>	<p>the first place.</p>
15.6	<p>New 15.6 inserted as follows:</p> <p>Where certain measures are not already addressed by the mandatory/default conditions or by the applicant, the council may consider licence conditions to cover certain issues, examples of which are provided at paragraph 13.15.</p>	
16. Bingo Premises		
16.2	<p>First bullet point::</p> <ul style="list-style-type: none"> <li>• 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.</li> </ul> <p>Additional sentence added as follows:</p> <p>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</p> <p>Additional wording added to end of third bullet point</p>	

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Para number (new para numbers unless otherwise stated)	Amendments (additions shown in bold)	Notes
	<p>...”at all times”.</p> <p>New final bullet point added as follows:</p> <ul style="list-style-type: none"> <li>• children will not be admitted to bingo premises unless accompanied by an adult.</li> </ul>	
16.4	<p>New 16.3 added as follows:</p> <p>Where certain measures are not already addressed by the mandatory/default conditions or the applicant, the council may consider licence conditions to address such issues, examples of which are provided at paragraph 13.15.</p>	
17. Betting premises		
17.2	<p>Final sentence of 17.2 amended from:</p> <p>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 by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons.</p> <p>To read:</p> <p>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.</p>	
17.3	<p>New 17.3 added as follows:</p> <p>Where an applicant for a betting premises licence intends to offer higher</p>	<p>Comments were made during the consultation which highlighted the rise in popularity of FOBTs in bookmakers.</p>

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Para number (new para numbers unless otherwise stated)	Amendments (additions shown in bold)	Notes
	stake category B gaming machines (categories B2-B4) including any Fixed Odds Betting Terminals (FOBTs), then applicants should consider the control measures related to the protection of vulnerable persons, highlighted at para 12.7.	Accordingly this new paragraph has been added.
17.4	<p>New 17.4 added as follows:</p> <p>Where certain measures are not already addressed by the mandatory/default conditions or the applicant, the council may consider licence conditions to address such issues, examples of which are provided at paragraph 13.15.</p>	
18. Tracks		
18.1 – 18.10	This section has been thoroughly redrafted. The order of the paragraphs has been changed and new paragraphs have been added. It is not proposed to summarise each individual change here as the detail required to summarise the changes would become extremely complex. Both versions of the policy are available on request for any persons who wish to visually clarify the amendments.	
19. Travelling Fairs		
19.4	<p>“The council will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.”</p> <p>Changed to read:</p> <p>“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.”</p>	

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Para number (new para numbers unless otherwise stated)	Amendments (additions shown in bold)	Notes
21. Unlicensed family entertainment centre gaming machine permits (NB: note “Statement of principles” deleted from title)		
21.3 – 21.5	<p>Paras 21.3 to 21.6 deleted.</p> <p>New paras 21.3 to 21.5 added as follows:</p> <p>21.3 In line with the above provision the council has prepared a ‘Statement of Principles’ document which explains the various issues the council will assess in order to determine the suitability of an applicant for a permit. This includes child protection issues. All applicants should review this document before submitting an application for an UFEC permit so they can tailor their application accordingly.</p> <p>21.4 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” document have been addressed through the application.</p> <p>21.5 Applicants only need address the “Statement of principles” when making their initial applications and not at renewal time.</p>	
22. Gaming machine permits in premises licensed for the sale of alcohol		
22.3	<p>Para 22.3 deleted and new para 22.3 inserted as follows:</p> <p>All alcohol licensed premises with gaming machines must have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines.</p> <p>NB: paras 22.4 becomes 22.7</p> <p>22.5 and 22.6 remain unchanged.</p>	

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Para number (new para numbers unless otherwise stated)	Amendments (additions shown in bold)	Notes
22.4	<p>New para 22.4 inserted as follows:</p> <p>Measures which may satisfy the council that persons under 18 years will be prevented from using the machines may include the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised. Notices and signage may also help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets and or helpline numbers for organisations such as GamCare.</p>	
<p>23. Prize Gaming Permits (NB: note “Statement of principles” deleted from title)</p>		
23.1 – 3.7	<p>This section has been thoroughly redrafted. The order of the paragraphs has been changed and new paragraphs have been added. It is not proposed to summarise each individual change here as the detail required to summarise the changes would become extremely complex. Both versions of the policy are available on request for any persons who wish to visually clarify the amendments.</p>	
<p>24. Club gaming and club machines permits</p>		
24.6 & 24.7	<p>New 24.6 and 24.7 added as follows:</p> <p>24.6 Clubs must also have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines.</p> <p>24.7 Measures which may satisfy the council that persons under 18yrs will be prevented from using the machines may include the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised. Notices and signage may also help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.</p>	

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Para number (new para numbers unless otherwise stated)	Amendments (additions shown in bold)	Notes
25. Temporary Use notices		
25.1	<p>Amend first sentence from:</p> <p>Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.</p> <p>To read:</p> <p>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.</p>	
25.2	<p>Original 25.2 moved to become 25.4</p> <p>New 25.2 inserted as follows:</p> <p>Only persons or companies holding a relevant operating licence can apply for a temporary use notice to authorise the particular class of gambling permitted by their operating licence. For example, the holder of a casino operating licence could apply for a temporary use notice to provide casino games at a hotel.</p>	
25.3	<p>New 25.3 inserted as follows:</p> <p>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.</p>	
27. Small society lottery registrations		
27.1	<p>New 27.1 inserted as follows: (NB: All other paragraphs moved down)</p> <p>A lottery generally refers to schemes under which prizes are distributed by</p>	

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Para number (new para numbers unless otherwise stated)	Amendments (additions shown in bold)	Notes
	chance among entrants who have given some form of value for their chance to take part.	
Appendices		
Appendix 1 – Table 1 – Row 7 column 3	Maximum prize for Category C gaming machines changed from £25 to £35.	





# **Gambling Act 2005 Statement of Licensing Policy 2007 - 2010**

Please note:  
The information contained within  
this document can be made  
available in different languages  
and formats including Braille,

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## **PART A – The Gambling Act 2005**

### **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 promoting 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 promote the licensing objectives in Part B and C of this document.
- 1.4 The council will also follow any regulations and statutory guidance issued in accordance with the Act and 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:
- 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.

### **2. The Leeds district**

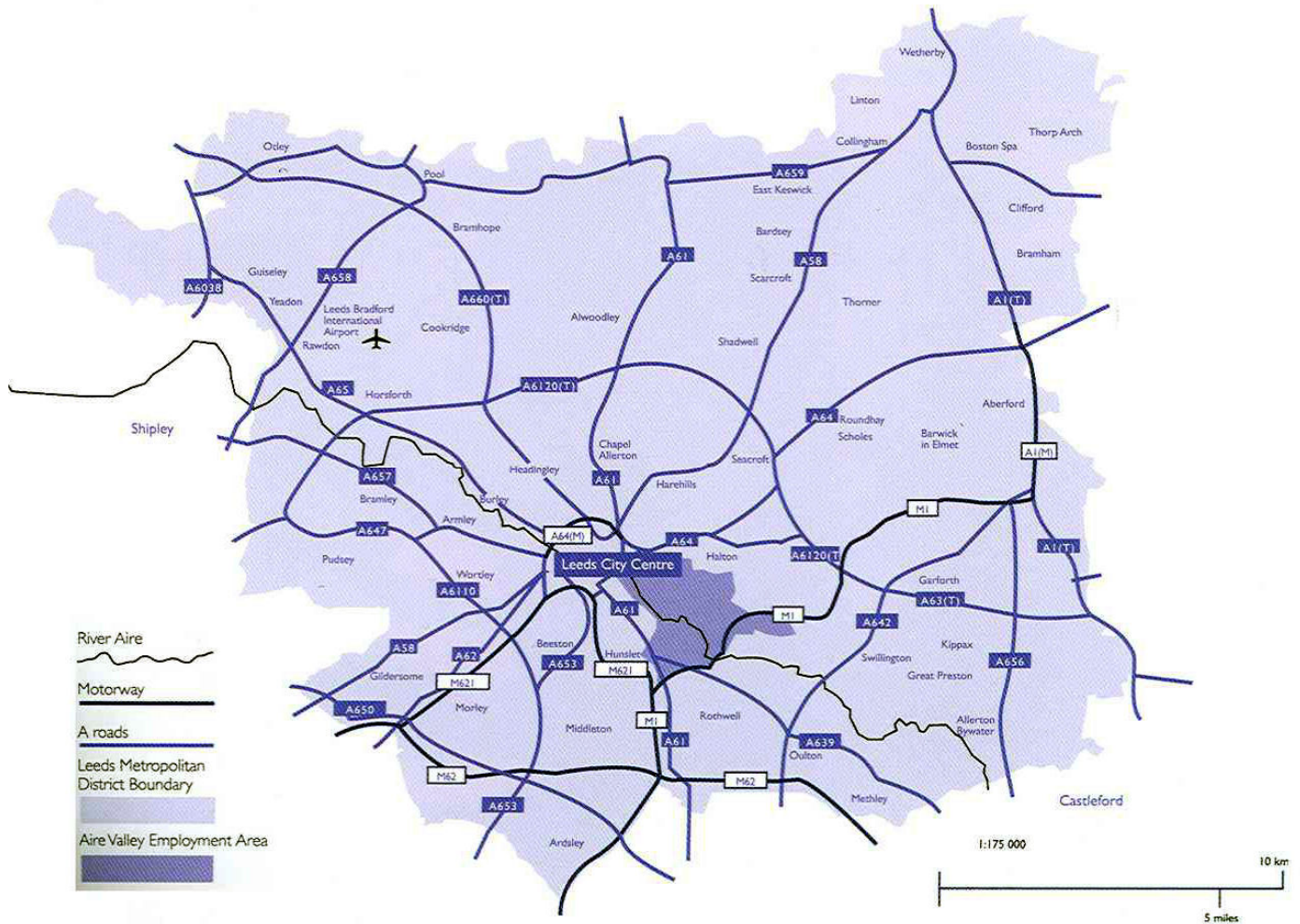
- 2.1 Leeds City Council has sought to establish Leeds as a major European city and cultural and social centre. It is the second largest metropolitan district in England and has a population of 2.2 million people living within 30 minutes drive of the city centre.
- 2.2 The Leeds metropolitan district extends over 562 square kilometres (217 square miles) and has a population of 715,000 (taken from the 2001 census). 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

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development. The close proximity of a range of land uses and the creation of mixed-use schemes have 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 and sporting traditions and has the best attended free outdoor festivals in the country. 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, heritage and recreational facilities. There is a vibrant voluntary sector including thousands of groups and societies.
- 2.5 Leeds is a city with many cultures, languages, races and faiths. A wide range of minority groups including Black Caribbean, Indian, Pakistani, Irish and Chinese as well as many other smaller communities make up almost 11% of the city population.
- 2.6 The Vision for Leeds 2004 - 2020 published by the Leeds Initiative, as the city's strategic partnership group, indicates that Leeds is now one of Britain's most successful cities. It boasts:
- a thriving economy
  - a vibrant city centre
  - a leading centre of learning, knowledge and research
  - a recognised regional capital
  - a positive image
  - a reputation for environmental excellence
  - a wide range of cultural facilities
  - a rich mix of cultures and communities.
- 2.7 The Vision for Leeds 2004-2020 has three main aims:
- going up a league as a city - making Leeds an internationally competitive city, the best place in the country to live, work and learn, with a high quality of life for everyone
  - narrowing the gap between the most disadvantaged people and communities and the rest of the city
  - developing Leeds' role as the regional capital contributing to the national economy as a competitive European city, supporting and supported by a region that is becoming increasingly prosperous.
- 2.8 This statement of licensing policy seeks to promote the licensing objectives within the overall context of the three aims set out in The Vision for Leeds 2004-2020.

## 2.9 Leeds metropolitan district



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

- 3.1 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions under the Act. This document fulfils this requirement. Such statement must be published at least every three years. The statement can also be reviewed from “time to time” and any amendments must be consulted upon. The statement must then be re-published.
- 3.2 Leeds City Council consulted widely upon this policy statement before finalising and publishing it. A list of the persons we consulted is provided below:
- West Yorkshire Police
  - the Local Safeguarding Children Board
  - representatives of local businesses (including Leeds Chamber of Commerce and the Federation of Small Businesses)
  - members of the public
  - the Gambling Commission
  - community representatives

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- town councils in the district
- parish councils in the district
- local Members of Parliament
- national bodies representing the gambling trade
- national charities concerned with the social impact of gambling
- other charities offering support to alcohol and drugs users
- representatives of existing licence holders
- Yorkshire Forward (the regional development agency)
- Yorkshire Culture
- Leeds Citizens Advice Bureau
- Primary Care Trusts
- Her Majesty's Revenue and Customs
- West Yorkshire Fire and Rescue Service
- Faith Groups within the Leeds district
- Department of Neighbourhoods & Housing, Environmental Health Services
- Leeds City Council Development Department

3.3 The consultation took place between June and September 2006 and followed the Cabinet Office code of practice on consultations published in April 2004. This document is available from the Cabinet Office website at:

[www.cabinetoffice.gov.uk](http://www.cabinetoffice.gov.uk)

3.4 A copy of the consultation report containing a summary of the comments received and the consideration by the council of those comments is available on request.

3.5 The policy was approved at a meeting of the Full Council on [X December 2006].

## **4. The licensing framework**

4.1 The Gambling Act 2005 brings about changes to the way that gambling is administered in the United Kingdom. The Gambling Commission is the national gambling regulator and has a lead role in working with central government and local authorities to regulate gambling activity.

4.2 The Gambling Commission issues operators licences and personal licences. Any operator wishing to provide gambling at a certain premises must have applied for the requisite personal licence and operators licence before they can approach the council for a premises licence. In this way the Gambling Commission is able to screen applicants and organisations to ensure they have the correct credentials to operate gambling premises. The council's role is to ensure premises are suitable for providing gambling in line with the three licensing objectives and any codes of practice issued by the Gambling Commission. The council also issues various permits and notices to regulate smaller scale and or ad hoc gambling in various other locations such as pubs, clubs and hotels.

4.3 The council does not licence large society lotteries or remote gambling through websites. These areas fall to the Gambling Commission. The National Lottery is not licensed by the Gambling Act 2005 and continues to be regulated by the National Lottery Commission under the National Lottery Act 1993.

## 5. Declaration

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

## 6. Responsible authorities

- 6.1 The Act empowers certain agencies to act as responsible authorities so that they can employ their particular area of expertise to help promote the licensing objectives. Responsible authorities are able to make representations about licence applications, or apply for a review of an existing licence. Responsible authorities will also offer advice and guidance to applicants.
- 6.2 The council is required by regulations to state the principles it will apply to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area
  - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.
- 6.3 In accordance with the regulations the council designates the Local Safeguarding Children Board for this purpose.
- 6.4 The contact details of all the responsible authorities under the Gambling Act 2005 can be found in our application packs and on our website at:

[www.leeds.gov.uk/licensing](http://www.leeds.gov.uk/licensing)

## 7. Interested parties

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

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

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



- 7.2 The council is required by regulations to state the principles it will apply to determine whether a person is an interested party. The principles are:
- 7.3 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.
- 7.4 Within this framework the council will accept representations made on behalf of residents and tenants associations.
- 7.5 In order to determine if an interested party lives or has business interests, sufficiently close to the premises to be likely to be affected by the gambling activities, the council will consider factors such as the size of the premises and the nature of the activities taking place.
- 7.6 The council will provide more detailed information on the making of representations in a separate guidance note. The guidance note will be prepared in accordance with any relevant Statutory Instruments and any Gambling Commission guidance once such documents are released.

## **8. Exchange of information**

- 8.1 Licensing authorities are required to include in their policy statement the principles to be applied by the authority with regards to the exchange of information between it and the Gambling Commission, as well as other persons listed in Schedule 6 to the Act.
- 8.2 The principle that the council applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The council will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

## **9. Licensing authority functions**

- 9.1 Licensing Authorities are responsible under the Act for:
- licensing premises where gambling activities are to take place by issuing premises licences
  - issuing provisional statements
  - regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
  - issuing Club Machine Permits to commercial clubs
  - granting permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres
  - receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines

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- granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- registering small society lotteries below prescribed thresholds
- issuing Prize Gaming Permits
- receiving and endorsing Temporary Use Notices
- receiving Occasional Use Notices (for tracks)
- providing information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of information')
- maintaining registers of the permits and licences that are issued under these functions.

9.2 The council will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operators licences.

**PART B – Promotion of the licensing objectives**

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

- 10.1 The Gambling Commission will take a lead role in keeping gambling crime free by vetting all applicants for personal and operators 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 para 13.8 and 13.9) and whether conditions may be required such as the provision of door supervision. (see para 13.15)
- 10.2 There is a distinction between disorder and nuisance. In order to make the distinction, when incidents of this nature occur, the council will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it.
- 10.3 Issues of nuisance cannot be addressed by the Gambling Act provisions however problems of this nature can be addressed through other legislation as appropriate.
- 10.4 Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

## **11. Ensuring that gambling is conducted in a fair and open way**

- 11.1 The council is aware that except in the case of tracks (see section 18) generally the Gambling Commission does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.
- 11.2 The council will however 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 Code of Practice.
- 11.3 Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

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

### ***Protection of children***

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

### ***Protection of vulnerable people***

- 12.4 As regards the term "vulnerable persons", the council is not seeking to offer a definition but will, for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs. The council will consider this licensing objective on a case by case basis having regard to any guidance issued by the Gambling Commission. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.
- 12.4.1 While the council acknowledges that it may be difficult for gambling premises staff to identify vulnerable persons, (especially in the case of persons who may have a

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mental illness) in the first instance the council would expect staff members to try and maintain an awareness of how much (eg. how long) customers are gambling. If it is perceived that any particular persons may be gambling excessively or are showing other obvious signs of being unwell then further investigation should follow to try and identify if the person may fall within the category of vulnerable.

- 12.5 The council will promote this objective by publishing information on the council website about the symptoms of problem gambling and the various support organisations which are available to help problem gamblers. These webpages will be prepared in conjunction with these support agencies. In addition the council will also distribute promotional material about these services to a variety of public buildings including all one stop centres, libraries and leisure centres.
- 12.6 The council will familiarise itself with operator licence conditions related to this objective which may include a requirement for operators to provide information to their customers on how to gamble responsibly and how to access information about problem gambling. The council will communicate any concerns to the Gambling Commission about any absence of this required information.
- 12.7 Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example:
- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets
  - training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (eg. how long) customers are gambling, as part of measures to detect persons who may be vulnerable. (see 12.4.1)
  - trained personnel for the purpose of identifying and providing support to vulnerable persons
  - self exclusion schemes
  - stickers or notices on gaming machines to identify the stakes/prizes
  - operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
  - fixed Odds Betting Terminals should clearly display the odds
  - positioning of ATM machines
  - stickers / posters with GamCare Helpline and website in prominent locations, ie on ATM machines
  - windows, entrances and advertisements to be positioned or designed not to entice passers by.
- 12.8 The council may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant.

## **PART C – Premises licences**

### **13. Introduction to premises licensing**

- 13.1 The council will issue premises licences to allow those premises to be used for certain types of gambling. For example premises licences will be issued to amusement arcades, bingo halls, bookmakers and casinos.
- 13.2 Premises licences will be subject to the permissions/restrictions set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach other conditions, where it is believed to be necessary and proportionate. (see 13.18)

#### ***Definition of “premises”***

- 13.3 Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances.
- 13.4 The council will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular the council will assess entrances and exits from parts of a building covered by one or more licences to satisfy itself that they are separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.
- 13.5 The council will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Issues that the council will consider before granting such applications include whether children can gain access; compatibility of the two establishments; and the ability to comply with the requirements of the Act. In addition an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
- 13.6 An applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that reference to “the premises” are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued by the council in relation to premises that are ready to be used for gambling. Whether a premises is finished to a degree that it can be considered for a premises licence will always be a question of fact in the circumstances. Requiring a building to be complete ensures that the council can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

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- 13.7 Where a premises is not yet built or is about to be altered for the purpose of providing gambling and ultimately a premises licence will be required, the applicant should in the first instance consider making an application for a provisional statement. (see section 20)

**Location**

- 13.8 The council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

- 13.9 With regards to these objectives it is the council's policy, upon receipt of any relevant representations to look at specific location issues including:

- the possible impact a gambling premises may have on any schools or vulnerable adult centres in the area
- the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children
- the size of the premises and the nature of the activities taking place
- any levels of organised crime in the area.

The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. Such evidence may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

- 13.10 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.

**Duplication with other regulatory regimes**

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

**Conditions**

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

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

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- 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 and type of premises
- consistent with the licensing objectives, and
- reasonable in all other respects.

13.14 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 below. The council will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

13.15 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
- physical separation of areas
- location of entrance points
- notices / signage
- specific opening hours
- a requirement that children must be accompanied by an adult
- enhanced CRB checks of the applicant and/or staff
- support to persons with gambling addiction
- policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as half terms and summer holidays
- policies to address the problems associated with truant children who may attempt to gain access to premises and gamble
- any one or a combination of the measures as set out at paragraph 12.7 of this policy.

13.16 This list is not mandatory, nor exhaustive, and is merely indicative of examples of certain measures which may satisfy the requirements of the licensing authority and the responsible authorities, depending on the nature and location of the premises and the gambling facilities to be provided.

13.17 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;

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- 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.

13.18 The council is aware that the Secretary of State will set mandatory conditions and default conditions which are necessary for the general good conduct of gambling premises, therefore it is unlikely that the council will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been dealt with. If the council is minded to do so because there is regulatory concerns of an exceptional nature, then any additional licence conditions must relate to the licensing objectives.

### ***Door supervision***

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

## **14. Adult gaming centres and licensed family entertainment centres (LFECs)**

14.1 Adult gaming centres are a new category of premises introduced by the Act that are most closely related to what are commonly known as adult only amusement arcades seen in many city centres. 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 a side for adult only gaming machines with higher stakes and prizes.

14.2 Under the Act a premises holding an adult gaming centre licence will be able to make certain numbers of category B, C and D gaming machines available and no one under 18 will be permitted to enter such premises.

14.3 The council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling in these premises. The council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises, or in the case of LFECs to the adult only gaming machine areas.

14.4 Where certain measures are not already addressed by the mandatory/default conditions or by the applicant, the council may consider licence conditions to address such issues, examples of which are provided at paragraph 13.15.



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- 14.5 Licensed family entertainment centres will be able to make available a certain number of 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)
- 14.6 Where category C or above machines are available in premises to which children are admitted then the council will ensure that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least 1 meter high
  - only adults are admitted to the area where the machines (category C) are located
  - access to the area where the machines are located is supervised at all times
  - the area where the machines are located is arranged so that it can be observed by staff; and
  - at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 14.7 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 any mandatory or default conditions on these premises licences, when they have been published.

## 15. Casinos

- 15.1 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.
- 15.2 **Licence considerations / conditions** - The Gambling Commission has indicated that further guidance will be issued in due course about the particular issues that licensing authorities should take into account in relation to the suitability and layout of casino premises. This guidance will be considered by the council when it is made available.
- 15.3 Where certain measures are not already addressed by the mandatory/default conditions or by the applicant, the council may consider licence conditions to cover certain issues, examples of which are provided at paragraph 13.15.
- 15.4 **Betting machines** – 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 casino premises licence (where betting is permitted in the casino). 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.

- 15.5 **Large Casino Bid** - The Act introduces three new categories of larger casino; one super/regional casino, eight large casinos and eight small casinos. Leeds City Council submitted a proposal for one large casino, to the Independent Casinos Advisory Panel (CAP). In the event that Leeds is successful in its bid to the CAP and is given consent to be able to grant a large casino licence the council will carry out a competitive bidding exercise. More information about this process can be found in Part F of this document.

## 16. Bingo premises

- 16.1 There is no official definition for bingo in the Gambling Act 2005 however from a licensing point of view there will be a new category of premises licence specifically for bingo premises which will be used by traditional commercial bingo halls for both cash and prize bingo. In addition they will also be able to provide a limited number of gaming machines in line with the provisions of the Act. (see Appendix 1)
- 16.2 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 1 meter high
  - only adults are admitted to the area where the machines are located
  - access to the area where the machines are located is supervised at all times
  - the area where the machines are located is arranged so that it can be observed by staff
  - at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18
  - children will not be admitted to bingo premises unless accompanied by an adult.
- 16.3 The council is also aware that the Gambling Commission is going to issue further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This guidance will be considered by the council once it is made available.
- 16.4 Where certain measures are not already addressed by the mandatory/default conditions or the applicant, the council may consider licence conditions to address such issues, examples of which are provided at paragraph 13.15.

## 17. Betting premises

- 17.1 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

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betting premises however within this single class there are different types of premises which require licensing such as normal 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.

- 17.2 **Betting machines** – 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.
- 17.3 Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B2-B4) including any Fixed Odds Betting Terminals (FOBTs), then applicants should consider the control measures related to the protection of vulnerable persons, highlighted at para 12.7.
- 17.4 Where certain measures are not already addressed by the mandatory/default conditions or the applicant, the council may consider licence conditions to address such issues, examples of which are provided at paragraph 13.15.

## 18. Tracks

- 18.1 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.
- 18.2 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.
- 18.3 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.
- 18.4 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.

- 18.5 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, eg a casino premises licence or adult gaming centre premises licence. If you require further guidance on this provision please contact the Entertainment Licensing Section.
- 18.6 Children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines and betting machines (other than category D machines) are provided.
- 18.7 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.
- 18.8 **Betting machines** – 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.
- 18.9 Condition on rules being displayed – The council will consider any Gambling Commission guidance about the application of conditions regarding rules being displayed. The council may require the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that the rules are displayed in the race-card or made available in leaflet form from the track office.
- 18.10 Where certain measures are not already addressed by the mandatory/default conditions or the applicant, the council may consider licence conditions to address such issues, examples of which are provided at paragraph 13.15.

## 19. Travelling fairs

- 19.1 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.
- 19.2 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)
- 19.3 The council will consider whether any fairs which take up the above entitlement fall within the statutory definition of a travelling fair.

- 19.4 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.

## **20. Provisional statements**

- 20.1 A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which has yet to be constructed or is about to be altered for the purpose of gambling, would be granted a premises licence when the building work is complete. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so the project can be started. Once works are complete a full premises licence would still be required.
- 20.2 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.
- 20.3 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. Eg. The likelihood that planning consent will be granted.

**PART D - Permits, temporary / occasional use notices and small society lottery registrations**

**21. Unlicensed family entertainment centre gaming machine permits (UFECs)**

- 21.1 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 its category D machines. It should not be confused with a ‘licensed family entertainment centre’ which does require a premises licence because it contains both category C and D gaming machines.
- 21.2 The Gambling Act 2005 contains a 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 under Section 25.
- 21.3 In line with the above provision the council has prepared a ‘Statement of Principles’ document which explains the various issues the council will assess in order to determine the suitability of an applicant for a permit. This includes child protection issues. All applicants should review this document before submitting an application for an UFEC permit so they can tailor their application accordingly.
- 21.4 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.
- 21.5 Applicants only need to address the “Statement of principles” when making their initial applications and not at renewal time.

**22 Gaming machine permits in premises licensed for the sale of alcohol**

- 22.1 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.

- 22.2 If a premises wishes to have more than two machines, then it needs to apply for a permit and the council must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” The council considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. The council will also expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.
- 22.3 All alcohol licensed premises with gaming machines must have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines.
- 22.4 Measures which may satisfy the council that persons under 18 years will be prevented from using the machines may include the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets and or helpline numbers for organisations such as GamCare.
- 22.5 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.
- 22.6 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).
- 22.7 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be dealt with under the relevant provisions of the Act.

## **23. Prize gaming permits**

- 23.1 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.
- 23.2 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.
- 23.3 The Gambling Act 2005 contains a 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.

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- 23.4 In line with the above provision the council has prepared a 'Statement of Principles' document which explains the various issues the council will assess in order to determine the suitability of an applicant for a permit. This includes child protection issues. All applicants should review this document before submitting an application for a prize gaming permit so they can tailor their application accordingly.
- 23.5 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.
- 23.6 Applicants only need to address the "Statement of principles" when making their initial applications and not at renewal time.
- 23.7 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.

## **24. Club gaming and club machine permits**

- 24.1 Members clubs and miners' welfare institutes (but not commercial clubs) 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 and games of chance as set-out in forthcoming regulations. A 'club machine permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D).
- 24.2 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, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. 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.
- 24.3 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.
- 24.4 The council may only refuse an application on the grounds that:



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- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which they have applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

24.5 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.

24.6 Clubs must also have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines.

24.7 Measures which may satisfy the council that persons under 18 years old will be prevented from using the machines may include the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised. Notices and signage may also help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

## **25. Temporary use notices**

25.1 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.

25.2 Only persons or companies holding a relevant operating licence can apply for a temporary use notice to authorise the particular class of gambling permitted by their operating licence. For example, the holder of a casino operating licence could apply for a temporary use notice to provide casino games at a hotel.

25.3 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.

25.4 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.

## **26. Occasional use notices (for tracks)**

26.1 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.

26.2 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.

## **27. Small society lottery registrations**

27.1 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.

27.2 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.

27.3 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.

27.4 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.

27.5 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.

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- 27.6 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.
- 27.7 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.

## PART E - Enforcement

### 28. Enforcement principles

- 28.1 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.
- 28.2 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.
- 28.3 The council will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 28.4 The council will also adopt a risk-based inspection programme in line with government recommendations around better regulation and the principles of the Hampton Review.
- 28.5 The main enforcement and compliance role for the council in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences. Concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the council but will be notified to the Gambling Commission. In circumstances where the council believes a premises requires a premises licence for gambling activities and no such licence is in force, the council will alert the Gambling Commission.
- 28.6 The council will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 28.7 The council's enforcement/compliance protocols/written agreements will be available upon request.

## 29. Reviews

- 29.1 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.
- 29.2 Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the council to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is:
- i) in accordance with any relevant code of practice issued by the Gambling Commission
  - ii) in accordance with any relevant guidance issued by the Gambling Commission
  - iii) reasonably consistent with the licensing objectives and
  - iv) in accordance with this authority's Gambling Act 2005 – Statement of Licensing Policy.

In addition the council may also reject the application on the grounds that the request is frivolous, vexatious, will certainly not cause this authority to wish to alter/revoke/suspend the licence, or is substantially the same as previous representations or requests for review.

- 29.3 The council can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

## **PART F – Large Casino Bid**

### **30. Casino Licensing under the Gambling Act 2005**

- 30.1 The Gambling Act introduces three new categories of larger casino; 1 super/regional casino, 8 large casinos and 8 small casinos. The 17 new casinos will be sited in various regions around Britain in line with decisions made by the Independent Casino Advisory Panel.
- 30.2 The regional casino will have a minimum total customer area of 5,000m<sup>2</sup>. It will be able to offer casino games, bingo and/or betting and up to 1,250 category A (unlimited jackpot) and category B1 gaming machines;
- 30.3 Large casinos will have a minimum total customer area of 1,500m<sup>2</sup>. This category of casino will be able to offer casino games, bingo and/or betting and up to 150 category B1 gaming machines;
- 30.4 Small casinos will have a minimum total customer area of 750m<sup>2</sup>. A small casino will be able to offer casino games, betting and up to 80 category B1 gaming machines.

### **31. Proposal for a casino**

- 31.1 Leeds City Council submitted a proposal for a larger casino to the Independent Casino Advisory Panel. Details of this proposal can be obtained by contacting Leeds City Council's Development Department.
- 31.2 The casino bid has been made due to the potential benefits accruing to the city, should it be granted a large casino licence. These are:
- increased investment
  - regeneration of strategic areas of the city
  - job creation for local people
  - improved cultural facilities
  - enhanced tourism
  - increased profile for the Leeds city region.
- 31.3 Leeds City Council has not pre-selected a site or operator, but will instead use a structured process for the selection of a private sector partner and delivery of any associated development.

### **32. Casinos and competitive bidding**

- 32.1 If Leeds City Council is selected to grant a large casino licence, there are likely to be a number of operators who will want to run the new premises. In such situations the council will have regard to Schedule 9 of the Gambling Act 2005, and any regulations issued by the Secretary of State.
- 32.2 In addition, in order to maximise the physical regeneration benefits to the city, the council will evaluate:
- social implications of each bid/site

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- the opportunity for delivery of associated facilities, for example an arena or conference centre
- initial financial proposals
- the impact of the proposal on the transport infrastructure
- the impact on the environment
- social regeneration - the economic benefit of each bid.

These criteria will be used to provide an open and transparent mechanism for selecting a preferred site.

***Community cohesion***

32.3 The council will promote the involvement of the community in assessing any competing schemes. The impact on the social cohesion of an area will be one of the factors considered in evaluating each scheme.

***Crime and disorder***

32.4 In assessing the impact of competing bids on crime and disorder, the council proposes to involve a Police Architectural Liaison Officer in the development and evaluation of scheme proposals to ensure that where possible opportunities for crime are designed out at an early stage.

32.5 The council also proposes to secure resource support from the successful operator to contribute to the cost of additional policing throughout the life of the project.

***Social Inclusion Fund (SIF)***

32.6 In evaluating the social impact of a casino in Leeds, the council will develop a Social Inclusion Fund (SIF) to provide ongoing support to key community programmes in the city. It is envisaged that the SIF will be partially used to fund ongoing communication/consultation with community groups, as well as providing programmes and counselling for families affected by gambling.

32.7 In assessing any competing bid, the council will have regard to the social impact of each bid, together with the commitment of the relevant operator to the principles of the Social Inclusion Fund.

32.8 In the sorting of competing bids the council will seek to agree a form of revenue or profit share with the successful operator. This could be in the form of a turnover rental arrangement or a joint venture vehicle. The money will then be directed into the SIF, and will be used to tackle city specific issues and minimise the negative social impact of a casino.

32.9 Social inclusion initiatives might include:

- contribution to a social inclusion fund
- provision of counselling/support services
- community involvement/consultation proposals
- employment proposals
- skills/training initiatives
- proposals for working alongside the Jobs and Skills team within the Council

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- proposals to prioritise local employee opportunities, including specific targeting of disadvantaged groups.

**Education initiatives**

32.10 The preferred operator will be required to work with the council to provide pre-employment skills training to local people. If the casino scheme is part of an integrated development, the operator will be asked to provide an on-site learning space accessible to local community groups and educational establishments.

32.11 Education initiatives might include:

- on-site learning/skills centre
- university partnership proposals
- education outreach schemes.

**Problem gambling**

32.12 We will require the successful operator to detail mechanisms for identifying problem gamblers and restricting their access to the casino. Part of our selection criteria would be to insist that a percentage of the operator staff are trained counsellors, able to provide advice and support to those engaged in or affected by problem gambling. In addition the preferred operator will need to be proactive in addressing problem gambling, and will need to take account of best practice both at home and overseas.



## 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.

Category of machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£2	£4,000
<sup>1</sup> B2	£100	£500
B3	£1	£500
B4	£1	£250
C	50p	£35
D	10p or 30p when non monetary prize	£5 cash or £8 non monetary prize

Table 1

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**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.

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## (Appendix 1 continued)

Premises Type	Machine category						
	A	B1	B2	B3	B4	C	D
Regional casino (machine/table ratio of 25-1 up to maximum)	Maximum of 1250 machines Any combination of machines in categories A to D, within the total limit of 1250 (subject to table ratio)						
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D, within the total limit of 150 (subject to 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, within the total limit of 80 (subject to table ratio)					
Pre-2005 Act Casinos (no machine/table ratio)		Maximum of 20 machines categories B to D or C or D machines instead					
Betting premises and tracks operated by pool betting			Maximum of 4 machines categories B2 to D				
Bingo Premises				Maximum of 4 machines in category B3 of B4		No limit C or D machines	
Adult gaming centre				Maximum of 4 machines in category B3 of B4		No limit C or D machines	
Family entertainment centre (with premises licence)						No limit C or D machines	
Family entertainment centre (with Permit)							No limit on category D machines
Clubs or miners' welfare institutes with permits					maximum of 3 machines in categories B4 to D		
Qualifying alcohol licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises with gaming machine permit						Number as specified on permit	
Travelling fair							No Limit on Category D machines
	<b>A</b>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>C</b>	<b>D</b>

Table 2

## Appendix 2 – Glossary of terms

<b>Term</b>	<b>Description</b>
ATM	Auto teller machine or cash machine.
Betting	Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not and likewise whether one person knows the outcome or not. (Spread betting is not included within this definition).
Betting Machines / Bet Receipt Terminal	Betting Machines can be described as automated betting terminals where people can place bets on sporting events removing the need to queue up and place a bet over the counter.
Bingo	There are essentially two types of bingo: Cash bingo, where the stakes paid make up the cash prizes that can be won and Prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.
Book	Running a 'book' is the act of quoting odds and accepting bets on an event. Hence the term 'Bookmaker'.
Casino games	A game of chance, which is not equal chance gaming. Casino games includes Roulette and black jack etc.
Chip	Casinos in the U.K require you to use chips to denote money. They are usually purchased and exchanged at a cashier's booth.
Default condition	To be prescribed in Regulations. 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'.
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	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: <ul style="list-style-type: none"> <li>• preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</li> <li>• ensuring that gambling is conducted in a fair and open way</li> <li>• protecting children and other vulnerable persons from being harmed or exploited by gambling.</li> </ul>
Lottery	A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part. A lottery is defined as either a simple lottery or a complex lottery. A simple lottery is one where persons are required to pay to participate and one or more prizes are allocated to one or more members of a class, and the prizes are allocated by a process which relies wholly on chance. A complex lottery is where persons are required to pay to participate and one or more members of a class, and the prizes are allocated by a series of processes where the first of those processes relies wholly on chance. Prize means money, articles or services provided by the members of the class among whom the prize is allocated. (It should be noted that the National Lottery is not included in this definition of lottery and is regulated by the National Lottery Commission).
Mandatory condition	A condition which will be set by the Secretary of State (some set out in the Act and some to be prescribed by regulations) which will be automatically

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<b>Term</b>	<b>Description</b>
	attached to a specific type of premises licence. The council will have no discretion to alter or remove these conditions.
Odds	The ratio to which a bet will be paid if the bet wins. e.g. 3-1 means for every £1 bet, a person would receive £3 of winnings.
Off-course betting operator	Off-course betting operators may, in addition to premises away from the track, operate self contained betting premises within a track premises. Such self contained premises will provide facilities for betting on both events taking place at the track (on-course betting), as well as other sporting events taking place away from the track. (off-course betting). In essence such premises operate like a traditional high street bookmakers. They will however only normally operate on race days.
On-course betting operator	The on-course betting operator is one who comes onto on a track, temporarily, while races are taking place, and operates at the track side. On-course betting operators tend to offer betting only on the events taking place on the track that day. (on-course betting)
Pool Betting	For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: 1) Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the persons betting 2) Shall be divided among the winners or 3) Shall or may be something other than money. For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.
Regulations or Statutory instruments	Regulations are a form of law, often referred to as delegated or secondary legislation. They have the same binding legal effect as Acts and usually state rules that apply generally, rather than to specific persons or things. However, regulations are not made by Parliament. Rather, they are made by persons or bodies to whom Parliament has delegated the authority to make them, such as a minister or an administrative agency.
Representations	In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation to a licensing application. Representations must be made in time. Eg. 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.
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.