



SCRUTINY BOARD (CENTRAL AND CORPORATE)

Meeting to be held in Civic Hall, Leeds on
Monday, 2nd November, 2009 at 10.00 am

(A pre-meeting will take place for ALL Members of the Board at 9.30 a.m.)

MEMBERSHIP

Councillors

- P Grahame (Chair) - Cross Gates and Whinmoor;
J Bale - Guiseley and Rawdon;
S Bentley - Weetwood;
B Chastney - Weetwood;
P Ewens - Hyde Park and Woodhouse;
M Hamilton - Headingley;
A Hussain - Gipton and Harehills;
V Kendall - Roundhay;
J Lewis - Kippax and Methley;
A Lowe - Armley;
A McKenna - Garforth and Swillington;
A Parnham - Farnley and Wortley;
D Schofield - Temple Newsam;

A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25* of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded).</p> <p>(* In accordance with Procedure Rule 25, notice of an appeal must be received in writing by the Chief Democratic Services Officer at least 24 hours before the meeting).</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:- No exempt items on this agenda.</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstances shall be specified in the minutes.)</p>	
4			<p>DECLARATIONS OF INTEREST</p> <p>To declare any personal / prejudicial interests for the purpose of Section 81 (3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence.</p>	
6			<p>MINUTES - 5TH OCTOBER 2009</p> <p>To confirm as a correct record the attached minutes of the meeting held on 5th October 2009.</p>	1 - 6
7			<p>REQUEST FOR SCRUTINY - WOODHOUSE MOOR - PARK BYELAWS</p> <p>Further to Minute No. 35, 5th October 2009, to receive and consider the attached report of the Head of Scrutiny and Member Development.</p>	7 - 28
8			<p>REVIEW OF THE COUNCIL'S TREASURY MANAGEMENT POLICIES POST-ICELANDIC REPORTS</p> <p>To receive and consider the attached report of the Director of Resources.</p>	29 - 46
9			<p>GAMBLING ACT 2005 - STATEMENT OF LICENSING POLICY</p> <p>To receive and consider the attached report of the Assistant Chief Executive (Corporate Governance).</p>	47 - 134

Item No	Ward/Equal Opportunities	Item Not Open		Page No
10			<p>WORK PROGRAMME, EXECUTIVE BOARD MINUTES AND FORWARD PLAN OF KEY DECISIONS</p> <p>To receive and consider the attached report of the Head of Scrutiny and Member Development.</p>	135 - 158

Agenda Item 6

SCRUTINY BOARD (CENTRAL AND CORPORATE)

MONDAY, 5TH OCTOBER, 2009

PRESENT: Councillor P Grahame in the Chair
Councillors J Bale, S Bentley, B Chastney,
A Hussain, V Kendall, J Lewis, A Lowe,
A McKenna, A Parnham and D Schofield
Apologies Councillor P Ewens and M Hamilton

29 Declarations of Interest

No declarations of interest were made.

30 Apologies for Absence

Apologies for absence from the meeting were submitted on behalf of Councillors P. Ewens and M. Hamilton.

31 Minutes of the Previous Meeting

RESOLVED – That the minutes of the meeting held on 7th September 2009, be confirmed as a correct record.

32 Matters Arising from the Minutes

(a) **Staffing levels** (Minute No. 25 refers)

The Head of Scrutiny and Member Development undertook to forward to a Member the information previously circulated regarding staffing levels, requested under Minute No. 25.

(b) **Current Industrial Action** (Minute No. 25 refers)

In response to a Member's query regarding a situation update and a breakdown of the costs associated with the current industrial action involving refuse collectors and street cleaning staff, the Chair stated that the Leader of the Council would be requested to attend the Board.

33 Interpretation and Translation Services

The Board received and considered a report submitted by the Chief Customer Services Officer, updating the Board regarding progress in implementing the recommendations arising from the 2006 Inquiry carried out by the former Transforming Services Scrutiny Board.

In attendance at the meeting, and responding to Members' queries and comments, were :-

Paddy Clarke, Chief Customer Services Officer
Susan Murray, Head of Face to Face Contact
Jayne Grant, Head of the Central Interpretation and Translation Unit (CITU)

In brief summary, the main areas of discussion were :-

- **Budget** – Concern was expressed that, following a substantial budget overspend, the centralised, service-specific budget established as a result of the previous Inquiry had now, in effect, been de-centralised again, with individual Departments responsible for deciding the level of service they required, or could afford, from CITU, and paying for this from their Departmental budgets.

It was explained that the annual budget for the service was £70,000, but in 2008/09 over £300,000 had actually been spent, due to the demand for the service from Departments. The CITU still had this £70,000 budget, and this had been used to fund the service for the first quarter of the current financial year. However, it had been agreed with Departments that from quarter 2 onwards, it would be the responsibility of individual Departments to request and pay for the service on a case by case basis, to avoid the previous overspend.

Members questioned whether this approach was fundamentally flawed. The previous Inquiry had identified the importance of the Council providing and funding this service to an adequate and appropriate level, and the principle of establishing an adequate central budget, controlled by the CITU, was to re-inforce the need for, and importance of, this service, and not to leave it to the discretion of individual Departments or officers whether or not to provide this facility based purely on cost considerations. The danger of reverting to relying on Departmental budgets was that cost considerations might outweigh other factors, service provision may be restricted due to this, and Departments might once again seek to use customers' relatives to provide interpretation. This was the very situation the previous Inquiry had sought to address.

It was reported that the use of the service would be closely monitored by CITU to ensure that the service was used effectively and appropriately at all times. CITU would undertake regular independent checks to ensure that the service was not compromised by budgetary considerations, and would feed back regularly to Departments to ensure that the service continued to be used responsibly;

- In terms of **encouraging residents to learn English**, where customers presented at Council premises and were assisted in their primary language, then they were given information cards encouraging them to learn English and informing them of assistance available in this regard. Of course, there was no element of compulsion, and services

would not be denied if the applicant could not speak English, or did not want to avail themselves of the opportunity to learn English;

- The costs of implementing Recommendation (f) of the previous Board, which related to **video conferencing and access to a British Sign Language interpreter**, had been found to be prohibitive. A national video conferencing service was available via a centre in London, at a fee, and need was assessed on a case by case basis. Currently, the Council, the Police and the local NHS were jointly trying to address the issue of the provision of a sign language interpretation service which all local public services could utilise.

RESOLVED – (a) That subject to the above comments and concerns, the update report be noted;

(b) That a further update report be submitted to the Board in six months time, which includes reference to the issues referred to above.

(N.B. Councillor Bale joined the meeting at 10.20am, during the consideration of this item).

34 Communications, Report Writing and Plain English

Further to Minute No. 26, 7th September 2009, the Board received and considered a report submitted by the Head of Scrutiny and Member Development, and received evidence from the following officers, who responded to Members' queries and comments :-

Andy Carter, Acting Head of Communications
Alex White, Communications Manager (Strategic Communications and Marketing).

In brief summary, the main points of discussion were :-

- The poor use of English and the over-use of jargon, officialese and acronyms in Council correspondence, publications and reports, often to the detriment of the intended aim of the document;
- The need to be customer-focussed when considering the method and content of communication from the Council, and above all, the need to communicate as plainly and simply as possible;
- The imminent launch of a free, on-line Plain English training course as part of a high level campaign being co-ordinated by the Council's Corporate Communications Team.

RESOLVED – That the report be noted, and an update report be submitted to the Board at a later date.

(N.B. Councillor Schofield left the meeting at 10.45am, during the consideration of this item).

35 Request for Scrutiny - Woodhouse Moor - Park Byelaws

Draft minutes to be approved at the meeting
to be held on Monday, 2nd November, 2009

The Board considered a request from Friends of Woodhouse Moor for a Scrutiny Inquiry into the enforcement, or lack of enforcement, of the Council's byelaws for pleasure grounds and open spaces, in terms of their application to Woodhouse Moor.

The following people presented the request, and responded to Members' queries and comments :-

Tony Paley-Smith, Friends of Woodhouse Moor
Richard Hellowell, Friends of Woodhouse Moor
Bill McKinnon, Friends of Woodhouse Moor

The Board agreed that there was prima facie evidence of the need for such an Inquiry, and it was –

RESOLVED – (a) That the request for an Inquiry be approved;
(b) That the Head of Scrutiny and Member Development arrange for appropriate reports to be submitted and witnesses invited to the next meeting.

36 Scrutiny Board (Central & Corporate Functions) - Work Programme, Executive Board Minutes and Forward Plan of Key Decisions

The Head of Scrutiny and Member Development submitted the Board's work programme, updated to reflect decisions taken at previous meetings, together with a relevant extract from the Council's Forward Plan of Key Decisions for the period 1st October 2009 to 31st January 2010 and a copy of the minutes of the Executive Board meeting held on 26th August 2009.

In addition to the matters added to the work programme at today's meeting – reports back on the Translation and Interpretation Service, Corporate Communications and Byelaw enforcement – reference was also made to the following –

- Gambling Act 2005 – Review of Statement of Licensing Policy (November meeting);
- Scrutiny Inquiry – Use of Consultants – Session 2 (November meeting);
- Treasury Management Policy (Executive Board referral)(November meeting);
- Use of Section 106 monies (currently unscheduled);
- Print Service (currently unscheduled);
- Working Group on Employment and Training of 16-18 year olds (final report).

RESOLVED - That subject to any changes necessary as a result of today's meeting, the Board's work programme be approved.

37 Date and Time of Next Meeting

Monday 2nd November 2009, 10.00am (Pre-Meeting 9.30am).

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Report of the Head of Scrutiny and Member Development

Scrutiny Board (Central and Corporate Functions)

Date: 2nd November 2009

Subject: Request for Scrutiny - Woodhouse Moor – Park Byelaws

Electoral Wards Affected: All but in particular

Hyde Park & Woodhouse

Headingley

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Introduction

- 1.1 At the October meeting of this Scrutiny Board, Members considered a request for Scrutiny from Mr. Tony Paley-Smith. The request was written under the heading "Woodhouse Moor – Park Byelaws."
- 1.2 The full text of the request for Scrutiny is attached as Appendix 1.
- 1.3 Members were also provided with a copy of the current Byelaws (Appendix 2) and an earlier response from legal services on the issue raised by Mr Paley-Smith (Appendix 3)
- 1.4 Following a presentation from Mr. Paley-Smith, (accompanied by Mr. Richard Hellowell and Mr. Bill McKinnon of Friends of Woodhouse Moor), the Scrutiny Board resolved to undertake further Scrutiny in this matter.
- 1.5 In agreeing to undertake further Scrutiny, Board members emphasised that they would *not* be considering the decision of Executive Board to trial a designated barbecue area on the Moor, but would concentrate solely on the byelaws issue.
- 1.6 The Executive Member for Leisure along with the Section Head for Regulatory and Enforcement and the Principal Area Manager (West) for Parks and Countryside have been invited to attend today's meeting to answer Members' questions.

2.0 Recommendations

2.1 The Scrutiny Board is asked to:

- (i) Discuss with the Executive Member and attending officers the issues raised by the request for Scrutiny.
- (ii) Determine whether the Board wishes to undertake further scrutiny of this matter.
- (iii) Determine whether the Board wishes to make any recommendations.

Background Papers

- 2nd September 2008 – Executive Board Item 13 ‘Revision of byelaws for pleasure grounds, public walks and open spaces’

Appendix 1

WOODHOUSE MOOR - ENFORCEMENT OF THE PARK BYELAWS

The complaint arises from the desperate state of neglect and mismanagement that the Moor has been suffering from, and particularly over recent years. It must be glaringly obvious that only the implementation of the Park Byelaws can protect the Moor and has successfully done so for many years.

1) I was informed by Cllr Richard Brett by email on 09 July that the police cannot enforce a **'no-fines policy'** in relation to the Park Byelaws on Woodhouse Moor.

I have to assume that he includes Authorised Park Officers in that enforcement action.

A 'no-fines policy' would be in breach of the current Park Byelaws. It does not comply with Park Byelaw # 48

2) In which case why do they not enforce a **'fines policy'** instead? It would comply with Park Byelaw # 48

3) Who is responsible for the **'no-fines policy'** and why do they not change it to a **'fines policy'**?

4) If neither can be enforced why do we have the Park Byelaws? The latest version was only very recently approved for implementation by the Exec Committee.

What The Friends of Woodhouse Moor would like to come out of this is a constructive discussion with Cllr Proctor and Parks and Countryside with the aim of producing a detailed schedule for a way to effectively implement the Byelaws. Just as Lambeth have already most skilfully done at Clapham Common.

Yours Sincerely

Tony Paley-Smith



LEEDS

CITY COUNCIL

BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES

Leeds City Council

BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES

ARRANGEMENT OF BYELAWS

PART 1

GENERAL

1. General Interpretation
2. Application
3. Opening Times

PART 2

PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

4. Protection of structures and plants
5. Unauthorised erection of structures
6. Climbing
7. Grazing
8. Protection of wildlife
9. Gates
10. Camping
11. Fires
12. Missiles
13. Interference with life saving equipment

PART 3

HORSES, CYCLES AND VEHICLES

14. Interpretation of Part 3
15. Horses
16. Cycling
17. Overnight parking

PART 4

PLAY AREAS, GAMES AND SPORTS

18. Interpretation of Part 4
19. Children's play areas
20. Children's play apparatus
21. Skateboarding Etc.
22. Ball games
23. Ball games
24. Cricket

25. Archery
26. Field Sports
27. Golf
28. Golf

PART 5

WATERWAYS

29. Interpretation of Part 5
30. Bathing
31. Ice Skating
32. Model Boats
33. Boats
34. Fishing
35. Pollution of waterways
36. Blocking of watercourses

PART 6

MODEL AIRCRAFT

37. Interpretation of Part 6
38. General prohibition

PART 7

OTHER REGULATED ACTIVITIES

39. Provision of Services
40. Excessive noise
41. Public shows and performances
42. Aircraft, hang-gliders and hot-air balloons
43. Kites
44. Metal detectors

PART 8

MISCELLANEOUS

45. Obstruction
46. Savings
47. Removal of offenders
48. Penalty
49. Revocation

Byelaws made by the Leeds City Council under Section 164 of the Public Health Act 1875, and Sections 12 and 15 of the Open Spaces Act 1906 with respect to pleasure grounds, public walks and open spaces.

PART 1

GENERAL

General Interpretation

1. In these byelaws:

"the Council" means Leeds City Council;

"the ground" means any of the grounds listed in Schedule 1;

"designated area" means an area in the ground which is set aside for a specified purpose, that area and its purpose to be indicated by notices placed in a conspicuous position;

"invalid carriage means a vehicle, whether mechanically propelled or not,

(a) the unladen weight of which does not exceed 150 kilograms;

(b) the width of which does not exceed 0.85 metres; and

(c) which has been constructed or adapted for use for the carriage of a person suffering from a disability, and used solely by such a person.

Application

2. These byelaws apply to all of the areas listed in Schedule 1 unless otherwise stated.

Opening times

3. (1) No person shall enter or remain in the ground except during opening hours.

(2) "Opening hours" means the days and times during which the ground is open to the public and which are indicated by a notice placed in a conspicuous position at the entrance to the ground.

(3) Byelaw 3(1) applies only to the grounds listed in Part 1 of Schedule 2.

PART 2

PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

Protection of structures and plants

4. (1) No person shall without reasonable excuse remove from or displace within the ground:
 - (a) any barrier, post, seat, or implement, or any part of a structure or ornament provided for use in the laying out or maintenance of the ground; or
 - (b) any stone, soil or turf or the whole or any part of any plant, shrub or tree.
- (2) No person shall walk on or ride, drive or station a horse or any vehicle over:
 - (a) any flower bed, shrub or plant;
 - (b) any ground in the course of preparation as a flower bed or for the growth of any tree, shrub or plant; or
 - (c) any part of the ground set aside by the Council for the renovation of turf or for other landscaping purposes and indicated by a notice conspicuously displayed.

Unauthorised erection of structures

5. No person shall without the consent of the Council erect any barrier, post, ride or swing, building or any other structure.

Climbing

6. No person shall without reasonable excuse climb any wall or fence in or enclosing the ground, or any tree, or any barrier, railing, post or other structure.

Grazing

7. No person shall without the consent of the Council turn out or permit any animal for which he is responsible to graze in the ground.

Protection of wildlife

8. No person shall kill, injure, take or disturb any animal, or engage in hunting or shooting or the setting of traps or the laying of snares.

Gates

9. (1) No person shall leave open any gate to which this byelaw applies and which he has opened or caused to be opened.

(2) Byelaw 9(1) applies to any gate to which is attached, or near to which is displayed a conspicuous notice stating that leaving the gate open is prohibited.

Camping

10. No person shall without the consent of the Council erect a tent or use a vehicle, caravan or any other structure for the purpose of camping.

Fires

11. (1) No person shall light a fire or place, throw or drop a lighted match or any other thing likely to cause a fire.

(2) Byelaw 11(1) shall not apply to:
 - (a) the lighting of a fire at any event for which the Council has given permission that fires may be lit; or
 - (b) the lighting or use, in such a manner as to safeguard against damage or danger to any person, of a properly constructed barbecue, in a designated area for barbecues.

Missiles

12. No person shall throw or use any device to propel or discharge in the ground any object which is liable to cause injury to any other person.

Interference with life-saving equipment

13. No person shall except in case of emergency remove from or displace within the ground or otherwise tamper with any life-saving appliance provided by the Council.

PART 3

HORSES, CYCLES AND VEHICLES

Interpretation of Part 3

14. In this Part:

“designated route” means a route in or through the ground which is set aside for a specified purpose, its route and that purpose to be indicated by notices placed in a conspicuous position;

“motor cycle” means a mechanically propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which does not exceed 410 kilograms;

“motor vehicle” means any mechanically-propelled vehicle other than a motor cycle or invalid carriage;

“trailer” means a vehicle drawn by a motor vehicle and includes a caravan.

Horses

15. (1) No person shall ride a horse except:
- (a) on a designated route for riding; or
 - (b) in the exercise of a lawful right or privilege.
- (2) Where horse riding is permitted by virtue of byelaw 15(1)(a) or a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person.

Cycling

16. No person shall without reasonable excuse ride a cycle in the ground except in any part of the ground where there is a right of way for cycles or on a designated route for cycling.

Overnight parking

17. No person shall without the consent of the Council leave or cause or permit to be left any motor vehicle in the grounds listed in Part 2 of Schedule 2 between the hours of 10.00 pm and 6.00 am.

PART 4

PLAY AREA, GAMES AND SPORTS

Interpretation of Part 4

18. In this Part:

“ball games” means any game involving throwing, catching, kicking, batting or running with any ball or other object designed for throwing and catching, but does not include cricket;

“golf course” means the grounds listed in Part 3 of Schedule 2 and includes any golf driving range, golf practice area or putting course;

“self-propelled vehicle” means a vehicle other than a cycle, invalid carriage or pram which is propelled by the weight or force of one or more persons skating, sliding or riding on the vehicle or by one or more persons pulling or pushing the vehicle.

Children's play areas

19. No person aged 14 years or over shall enter or remain in a children's play area listed in Part 5 of Schedule 2 unless in charge of a child under the age of 14 years.

Children's play apparatus

20. No person aged 14 years or over shall use any apparatus stated to be for the exclusive use of persons under the age of 14 years by a notice conspicuously displayed on or near the apparatus.

Skateboarding etc.

21 (1) No person shall skate, slide or ride on rollers, skateboards, or other self-propelled vehicles except in the grounds listed in Part 6 of Schedule 2.

(2) Where skating, sliding or riding on rollers, skateboards or other self-propelled vehicles is permitted, no person shall engage in those activities in such a manner as to cause danger or give reasonable grounds for annoyance to other persons.

Ball games

22. No person shall play ball games outside a designated area for playing ball games in such a manner:

- (a) as to exclude persons not playing ball games from use of that part;
 - (b) as to cause danger or give reasonable grounds for annoyance to any other person in the ground, or;
 - (c) which is likely to cause damage to any tree, shrub or plant in the ground.
23. It is an offence for any person using a designated area for playing ball games to break any of the rules set out in Schedule 3 and conspicuously displayed on a sign in the designated area when asked by any person to desist from breaking those rules.

Cricket

24. No person shall throw or strike a cricket ball with a bat except in the grounds listed in Part 9 of Schedule 2.

Archery

25. No person shall engage in the sport of archery except in connection with an event organised by or held with the consent of the Council.

Field Sports

26. No person shall throw or put any javelin, hammer, discus or shot except in connection with an event organised by or held with the consent of the Council or on land set aside by the Council for that purpose.

Golf

27. No person shall drive, chip or pitch a hard golf ball except on the golf courses listed in Part 3 of Schedule 2.
28. (1) No person shall play golf on the golf course unless he holds a valid ticket issued by or on behalf of the Council entitling him to do so, which ticket shall be retained and shown on demand to any authorised officer or agent of the Council.
- (2) No person shall enter on to or remain on the golf course unless:
- (a) taking part in the game of golf or accompanying a person so engaged; or
 - (b) doing so in the exercise of a lawful right or privilege.
- (3) No person shall offer his service for hire as an instructor on the golf course without the consent of the Council.

PART 5

WATERWAYS

Interpretation of Part 5

29 In this Part:
“boat” means any yacht, motor boat or similar craft but not a model or toy boat;

“power-driven” means driven by the combustion of petrol vapour or other combustible substances;

“waterway” means any river, lake, pool, or other body of water, and includes any fountain.

Bathing

30. No person shall without reasonable excuse bathe or swim in any waterway.

Ice skating

31. No person shall step onto or otherwise place their weight upon any frozen waterway.

Model boats

32. No person shall operate a power-driven model boat on any waterway except in the grounds listed in Part 8 of Schedule 2.

Boats

33. No person shall sail or operate any boat, dinghy, canoe, sailboard, or inflatable on any waterway without the consent of the Council.

Fishing

34. No person shall in any waterway cast a net or line for the purpose of catching fish or other animals except in the grounds listed in Part 7 of Schedule 2.

Pollution

35. No person shall foul or pollute any waterway.

Blocking of watercourses

36. No person shall cause or permit the flow of any drain or watercourse in the ground to be obstructed, diverted, open or shut or otherwise move or operate any sluice or similar apparatus.

PART 6

MODEL AIRCRAFT

Interpretation of Part 6

37. In this Part-

“model aircraft” means an aircraft which weighs not more than 7 kilograms without its fuel;

“power-driven” means driven by:

- (a) the combustion of petrol vapour or other combustible substances;
- (b) jet propulsion or by means of a rocket, other than by means of a small reaction motor powered by a solid fuel pellet not exceeding 2.54 centimetres in length; or
- (c) one or more electric motors or by compressed gas;

“radio-control” means control by a radio signal from a wireless transmitter or similar device.

Model aircraft permitted in designated areas

38. No person shall cause any power-driven model aircraft to-
- (a) take off or otherwise be released for flight or control the flight of such an aircraft; or
 - (b) land in the ground without reasonable excuse,
- other than in the grounds listed in Part 4 of Schedule 2.

PART 7

OTHER REGULATED ACTIVITIES

Provision of Services

39. No person shall without the consent of the Council provide or offer to provide any service for which a charge is made.

Excessive noise

40. (1) No person shall, after being requested to desist by any other person in the ground, make or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the ground by:

- (a) shouting or singing;
- (b) playing on a musical instrument; or
- (c) by operating or permitting to be operated any radio, amplifier, tape recorder or similar device.

- (2) Byelaw 40(1) does not apply to any person holding or taking part in any entertainment held with the consent of the Council.

Public shows and performances

41. No person shall without the consent of the Council hold or take part in any public show or performance.

Aircraft, hang-gliders and hot-air balloons

42. No person shall except in the case of emergency or with the consent of the Council take off from or land in the ground in an aircraft, helicopter, hang-glider or hot-air balloon.

Kites

43. No person shall fly any kite in such a manner as to cause danger or give reasonable grounds for annoyance to any other person.

Metal detectors

44. No person shall without the consent of the Council use any device designed or adapted for detecting or locating any metal or mineral in the ground.

PART 8

MISCELLANEOUS

Obstruction

45. No person shall obstruct:
- (a) any officer of the Council in the proper execution of his duties;
 - (b) any person carrying out an act which is necessary to the proper execution of any contract with the Council; or
 - (c) any other person in the proper use of the ground.

Savings

46. (1) It shall not be an offence under these byelaws for an officer of the Council or any person acting in accordance with a contract with the Council to do anything necessary to the proper execution of his duty.
- (2) Nothing in or done under these byelaws shall in any respect prejudice or injuriously affect any public right of way through the ground, or the rights of any person acting lawfully by virtue of some estate, right or interest in, over or affecting the ground or any part of the ground.

Removal of offenders

47. Any person offending against any of these byelaws may be removed from the ground by an officer of the Council or a constable.

Penalty

48. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Revocation

49. The byelaws made by Leeds City Council on 1st March 2006 and confirmed by the Secretary of State for the Department of Communities and Local Government on 31st July 2006 relating to the ground are hereby revoked.

SCHEDULES

SCHEDULE 1
List of Grounds

PART 1 OF SCHEDULE 2
List of secure grounds with opening and closing times

PART 2 OF SCHEDULE 2
Grounds with parking facilities

PART 3 OF SCHEDULE 2
Golf courses

PART 4 OF SCHEDULE 2
Grounds where flying of model aircraft is permitted

PART 5 OF SCHEDULE 2
List of Children's Play Areas

PART 6 OF SCHEDULE 2
Grounds set aside for the purpose of Skateboarding, etc.

PART 7 OF SCHEDULE 2
Grounds where fishing is permitted

PART 8 OF SCHEDULE 2
Grounds where the sailing of model boats is permitted

PART 9 OF SCHEDULE 2
Grounds where the playing of cricket is permitted

SCHEDULE 3
Rules for playing ball games in Designated Areas

THE COMMON SEAL of
LEEDS CITY COUNCIL
was hereunto affixed
on the day of 2008

Assistant Chief Executive (Corporate Governance)

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Appendix 3

From: gill.marshall@leeds.gov.uk [mailto:gill.marshall@leeds.gov.uk]
Sent: 25 August 2009 12:32
To: Paley-Smith
Cc: peter.marrington@leeds.gov.uk
Subject: RE: WOODHOUSE MOOR - PARK BYELAWS

Dear Mr Paley-Smith

I am aware of the view that Councillor Brett has said there is a no fines policy. However I believe that either this is not the correct interpretation of what he has said or alternatively that he has been misinformed.

The point I was trying to make is that to be a council policy someone has to have made a decision that we will never enforce. That someone could be a council officer or could be a committee of the council. The person or body with the right to make that decision is dependant on who has authority to do that under the council's constitution.

In the case of byelaws that would be the relevant director. That is currently Jean Dent but has in the past been other officers who are no longer at the council. To my knowledge no such officer has made a decision and it would be bizarre to do so when they have instructed us to arrange for new bye-laws to be made.

However that is a different scenario to what I suspect that you are actually concerned about which is that fact that we haven't actually enforced them. That could be for a variety of reasons ranging from the fact that we haven't needed to prosecute because warnings from Council staff and/or police that the bye-laws are being breached have been sufficient to stop the activity, through to the possibility that we haven't enforced them because relevant staff are either not aware of the bye-laws or don't know how to put an evidence pack together.

In the latter case the result would be the one that you are complaining about but it would not be for the reasons you state. There would have been no conscious decision to have a policy but equally there would have been no review of the need to enforce or the skills required by staff.

I hope this clarifies matters somewhat

Gill Marshall
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Originator: M Taylor

Tel: x74234

Report of the DIRECTOR OF RESOURCES

Scrutiny Board (Central and Corporate Functions)

Date: 2nd November 2009

Subject: Review of Treasury Management post Icelandic Reports

Electoral Wards Affected:

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)

EXECUTIVE SUMMARY

1. This report updates members on the recommendations of three reports on the Icelandic crisis. These reports were written by the Communities and Local Government Select Committee (CLG), the Audit Commission (AC) and Cipfa as a response to the lessons learnt from the crisis.
2. The treasury function is operating effectively and that many of the recommendations made in the three reports are already incorporated within treasury practice.
3. All three reports highlight that local authorities should have an Audit Committee tasked with specific responsibility for scrutiny of the treasury management function. Members are asked for their views on whether this responsibility should sit with Scrutiny Board (Central and Corporate Functions) or the Corporate Governance and Audit Committee.
4. The three reports also highlighted that members should be adequately trained in order to effectively scrutinize the treasury function.
5. The CLG report asked whether the audit/scrutiny function would be enhanced by the appointment of an external treasury specialist.
6. The AC report concludes that many local authorities acted prudently and within their treasury management strategy guidelines. The over arching treasury management framework is the right one, however they must ensure that the function is properly resourced (both in terms of knowledge and numbers) in order to fully asses the risks involved. There are lessons to be learnt and the AC will provide further guidance and reports.
7. The Cipfa report comments that Councillor involvement should be strengthened and suggested that authorities should consider how they can best involve Members and leading Portfolio Holders in determining treasury management strategies. Cipfa is looking to develop training for councillors in their role.

1.0 Purpose Of This Report

- 1.1 The Treasury Management annual report 2008/09, presented to Executive Board in July, highlighted to members the recommendations of three reports on the Icelandic crisis. These reports were written by the CLG, the audit commission and CIPFA as a response to the lessons learnt from the crisis.
- 1.2 The Annual report referred the recommendations from the three reports to the Central and Corporate Functions Scrutiny Board and the Corporate Governance and Audit Committee. This report now provides members with a response to the issues raised.

2.0 Background Information.

- 2.1 The operation of the Treasury Management function is governed by provisions set out under part 1 of the Local Government Act 2003 whereby the Council is required to have regard to the Chartered Institute of Public Finance and Accountancy (CIPFA) Prudential Code for Capital Finance in Local Authorities.
- 2.2 The treasury management function is responsible for HRA and General Fund long term debt in the region of £1.4bn and investments that currently stand at £60m. It also manages the cash flow requirements of the Council.
- 2.3 The credit crisis began in 2007 when the French Bank BNP Paribas closed two of its mortgage backed securities fund because they could not value them. As a result credit stopped flowing in the money markets. The following 12 months saw banks suffering huge losses, and national Governments taking coordinated action to intervene in the money markets. This did not stem the problem as in October 2008 Lehman's Brothers went into administration. Weeks later the Icelandic banks folded. The collapse of the Icelandic banks in 2008 has thrown the treasury management function into the spotlight. Local Authorities collectively had £1bn on deposit with Icelandic banks which immediately became illiquid.
- 2.4 Since then money and equity market volatility has abated but the economies are still suffering. Early predictions are that most of the deposits held in Icelandic Banks will be returned.

3.0 Main Issues

- 3.1.1 This section considers the implications of the issues raised in each of the three reports for the Authority's Treasury Management function. The analysis concentrates on the recommendations that require specific action. These points and the remaining recommendations are shown in Appendix A. The remaining recommendations cover issues that the Authority is in agreement with and/or were already incorporated within the treasury management function.
- 3.1.2 In general the main points raised in each of the three reports endorse the current working practices and framework of the treasury management function.

3.2 **CLG Committee report – Local Authority Investments**

- 3.2.1 This report looks at a number of different areas within treasury management and the wider interested parties. Formal written and oral evidence was taken from a variety of sources before the report was produced. The report focuses on the following key areas of treasury management:
- Local authorities' investments and reserves
 - Local authorities' financial teams
 - Scrutiny of the treasury management function
 - Credit rating agencies
 - Treasury management advisors
- 3.2.2 The report highlights that all local authorities should have an Audit Committee tasked with specific responsibility for scrutiny of the treasury management function. Members are asked for their views on whether this responsibility should sit with Central and Corporate Functions Scrutiny Board or the Corporate Governance and Audit Committee.
- 3.2.3 The report also notes that the members involved with scrutiny should be adequately trained. Treasury has in the past provided in house training on treasury management and will look to hold further sessions in the future. Members may also consider visiting the treasury management section to gain a practical understanding of how the treasury team operates, should they feel it necessary. The Treasury Management has received similar visits in the past
- 3.2.4 The report further highlighted that members, in light of the specialised nature of treasury management, should consider whether to involve external specialists to enable a satisfactory level of scrutiny. Should this route be considered then the appointee should have the necessary level of financial experience and governance in the public sector
- 3.2.5 The Council's treasury management policy upholds the recommendations of the report when making investments. These key points are that deposits/investments are made with current credit ratings and additionally rely upon a range of other information sources available. These have typically covered:
- Live market information in the UK, US, Europe, and emerging markets. This information covers the money markets, commodities and equities.
 - Information from the money market brokers and money market fund managers
 - Diversification of investments across products and geographical borders
 - Sharing of information across Core City and West Yorkshire District groups
 - Information provided by the Council's treasury management advisors.
- 3.2.6 The use of Treasury management advisors is further highlighted in the report. The Council has always viewed that whether treasury management provide information or advice does not matter, when the authority must itself understand the inherent risks with any investment decision taken. The Council's priority for investment has always been security of capital, liquidity and then the return generated.
- 3.2.7 The report comments on the role of the audit commission in the crisis and notes that the level of auditing should have been higher given the increasingly volatile economic context. The Council's own treasury function is internally audited on an

annual basis, with additional external audits on balance sheet items undertaken as part of the audit of the authority's final accounts.

3.2.8 We agree with the amendments to the CIPFA code which the Authority was already complying with.

3.3 ***Audit Commission Report - Risk and Return: English Local Authorities and the Icelandic Banks.***

3.3.1 The report notes that many local authorities acted prudently and within their treasury management strategy guidelines. The overarching treasury management framework is the right one, however they must ensure that the function is properly resourced in order to fully assess the risk involved.

3.3.2 The report commented on what key interested parties should do:

- Central Government
- CIPFA
- Local Authorities
- AC

3.3.3 The AC commented the cost of early repayment of PWLB debt should be re-visited to ensure that the structure introduced in 2007 does not prevent Councils from redeeming debt. Since this report was released a 'Consultation Letter' was published by the PWLB, asking for feedback on proposals to provide intra-day rate updates, which it anticipates would lead to a fall in the cost of repaying debt. We are currently preparing a response to this consultation.

3.3.4 The Treasury management function has sufficient resources, with the appropriate level of experience and qualifications to adequately assess risk inherent within investment decisions undertaken, as recommended by the AC.

3.3.5 The AC further recommend that elected members responsible for treasury management are suitably trained in the stewardship of public monies so they are able to scrutinise effectively and be accountable for the treasury management function.

3.3.6 The AC will aim to work with CIPFA and others to ensure that the lessons are learnt and will provide further guidance and reports.

3.4 ***A CIPFA Treasury Management Panel Bulletin: Treasury Management in Local Authorities – Post Icelandic Banks Collapse (March 2009).***

3.4.1 CIPFA are in the process of issuing a revised code of practice and guidance which will be fully adopted by the Council. The Treasury Management Bulletin provides some interim advice to local authorities on treasury management practices in the light of the Icelandic Banks collapse and the continuing 'credit crunch'.

3.4.2 The advice covers the following areas:

- Revised Treasury Management Code and Guidance
- Treasury Management Objectives
- Treasury Management Governance Arrangements
- Monitoring
- Gross and Net Borrowing
- Skills and Training

- Counterparty Lists
- Use of Treasury Management Advisers
- Benchmarking

- 3.4.3 In terms of governance arrangements the authority already provides three updates a year on treasury management. The report also highlights issues raised in the CLG report around the level and training of Members (see 3.2.2). This report goes further and poses that Councillor involvement be strengthened and it is suggested that authorities consider how they can best involve Executives and leading Portfolio Holders in determining treasury management strategies. Cipfa is looking to develop training for councillors in their role.
- 3.4.4 The treasury management team possesses substantial treasury management experience, together with Cipfa qualified and part qualified staff and as such will consider whether the new Cipfa treasury management qualification will further enhance the service.
- 3.4.5 Cipfa recommend that formal limits on investment in sectors and by country be applied. We already incorporate these views when placing investments but are of the view that a formal limit would be too restrictive and would not necessarily provide a reduced level of risk.
- 3.4.6 The bulletin makes a series of further recommendations which the Treasury Management function already incorporates in its working practices.

4.0 Implications For Council Policy and Governance

- 4.1 The operation of the Treasury Management function is governed by provisions set out under part 1 of the Local Government Act 2003 whereby the Council is required to have regard to the Chartered Institute of Public Finance and Accountancy (CIPFA) Prudential Code for Capital Finance in Local Authorities.
- 4.2 Any changes to the requirements to the code will be adopted and reported to Council at the earliest opportunity.
- 4.3 This report also highlights whether specific scrutiny of the treasury management function should sit with the Central and Corporate Functions Scrutiny Board or the Corporate Governance and Audit Committee.

5.0 Legal and Resource Implications

- 5.1 The adoption of recommendations of the three reports that have resource implications which will be contained within existing resource levels.

6.0 Conclusions

- 6.1 The credit crunch and the collapse of the Icelandic banks have resulted in the treasury management function receiving a greater level of scrutiny. Three reports by the CLG, the Audit Commission and Cipfa have been written. These reports conclude that there is nothing fundamentally wrong with the framework under which treasury management operates. However there are some concerns with some authorities in the way investments are made and the mechanism for how investment strategies are scrutinised.
- 6.2 There are also concerns over the level of scrutiny and whether Members are adequately trained to assess the treasury management function.

7.0 Recommendations

That Members:

- 7.1 Note that the treasury function is operating effectively and that many of the recommendations made in the three reports are already incorporated within treasury practice.
- 7.2 Determine whether the scrutiny of the treasury management function should sit with the Scrutiny Board (Central and Corporate Functions) or the Corporate Governance and Audit Committee.
- 7.3 The nominated committee responsible for scrutiny should consider whether it is adequately trained to discharge its responsibilities.
- 7.4 The nominated committee responsible for scrutiny should also consider whether to appoint an external specialist to enable it to adequately and effectively scrutinise the treasury function.

Associated documents:

- a) Treasury Management Strategy 2008/09 - Executive Board 8th February 2008.
- b) Treasury Management Strategy 2009/10 – Executive Board 13th February 2009.
- c) Local Authority Investments CLG Select Committee 11th June 2009
- d) Treasury Management in Local Authorities – Post Icelandic Banks Collapse – CIPFA Treasury Management Panel Bulletin March 2009.
- e) Risk and Return – English Local Authorities and the Icelandic Banks – Audit Commission March 2009.

Seventh Report From The Communities And Local Government Committee: Local Authority Investments: Session 2008-09: HC 164-1

Conclusions and recommendations

Local authorities' investments and reserves

1. We conclude that it would be inappropriate to seek to restrict local authorities' investment options. Although interest rates are now at historically low levels, returns on investments are usually an important source of local authorities' revenues and investment by local authorities is an element in the health of the UK financial sector. The primary consideration of local authority investment, as emphasised by CIPFA, should remain security and liquidity; but yield should not be neglected. The risk involved in seeking yield should be mitigated by robust and responsive Codes, guidelines and best practice. (Paragraph 37)

We agree that investment options should not be limited further – the scope of local government is already quite constrained. Our main investment priority, as demonstrated in the TMPS, is the security of capital.

Local authorities' financial teams

2. We endorse the Audit Commission's censure of these rudimentary mistakes in organisations responsible for investing large amounts of public money. However, as the Commission's research has found, those seven authorities were not necessarily the only local authorities at fault. (Paragraph 42)

Noted

3. It is obvious from our written evidence, and from the research carried out by the Audit Commission, that there are some local authorities with excellent treasury management services, but there are also local authorities with a less effective service. One of the objectives of the CIPFA Codes and Codes of Practice should be to ensure that all local authorities are aware of the level of expertise which is necessary to run a successful treasury management operation, and have all the checks and balances in place to ensure adequate monitoring, on an ongoing basis, of both the framework within which its treasury management team operates and the individual decisions which are made on a day-to-day basis. (Paragraph 49)

We concur.

4. We recommend that the Government, CIPFA and the LGA study ways in which local authorities, particularly smaller ones, could join together to share expertise and pool treasury management resources. The sharing of information and expertise, such as identifying banks that are in the same financial group, might have lessened the failures that occurred during the Icelandic crisis. (Paragraph 56)

We agree that effective Treasury Management requires adequate levels of resources, and ways to provide these to smaller authorities should be explored. We already participate in information sharing forums (e.g. Core Cities and West Yorkshire Districts) and have taken on the TM function for WYITA, providing the resources necessary for it to be effective.

Scrutiny of the treasury management function

5. We endorse the Minister's suggestion and recommendations by CIPFA and the Audit Commission that all local authorities should have an Audit Committee with specific responsibility for the scrutiny of the treasury management function.

Guidance to local authorities to that effect should be given through appropriate amendment to the CIPFA Codes. (Paragraph 68)

We have an audit committee and scrutiny board, both of which cover Treasury Management Strategy and pick up any issues.

6. Members of audit committees need to take their responsibilities for that scrutiny seriously and need to ensure that they are properly trained. The CIPFA Treasury Management Code of Practice should make explicit the need for specific training in treasury management to be undertaken by those councillors with responsibility for overseeing treasury management arrangements, and the Audit committee should be charged with ensuring that it is available and with monitoring its adequacy. (Paragraph 69)

Training has been offered to councillors in the past, both structured and by request. Once we have established which board is responsible for TM scrutiny, further training will be offered.

7. Guidance from CIPFA notes that it is open to an authority to appoint someone other than an elected member and from outside the authority either to serve on or to chair the audit committee. The co-option of external members to audit committees in this manner offers an additional opportunity to local authorities to enhance the expertise available to the authority in the scrutiny of its treasury management function, and we encourage all local authorities to consider taking advantage of it. (Paragraph 70)

Due to the specialised nature of local authority treasury management, the potential pool of external individuals who would add value is quite small. However we will keep this under review.

8. Whether a local authority has an Audit Committee or not, elected members should ensure that they pay proper attention to scrutiny of the Annual Investment Strategy (AIS), and of the decisions which are taken under it. We recommend that CIPFA, in reviewing its Codes, consider what further guidance is necessary to local authorities to ensure that elected members are given—and take—appropriate opportunities to scrutinise their AIS. We also recommend that CIPFA develop and include in its revised Codes more rigorous requirements for reporting to elected members on decisions taken by officials under the AIS. (Paragraph 71)

Noted.

Credit rating agencies

9. The lack of information about the appropriate use of credit ratings in the Government guidance and in the CIPFA Codes is an omission. Some local authorities have relied too heavily on credit ratings, without appreciating that they should be viewed within the context of other financial and economic information and advice. We welcome the new guidance from the CIPFA Treasury Management Panel, but believe that there is room to go further. We recommend that the Government revise the informal commentary on its statutory guidance, to include information about the appropriate use of credit ratings. We also recommend that the CIPFA Codes include guidance to local authorities on the nature of credit ratings, highlighting the risks of over-reliance on them. Credit ratings should not be used in isolation as a justification for the soundness of an investment and local authorities should be made aware of the fact that credit ratings should be viewed within the context of wider financial and economic information and advice. (Paragraph 81)

We concur that the guidance should be updated with relation to the status of credit agencies. However we already only use them as part of a range of information sources when making investment decisions.

Treasury management advisors

10. Responsibility for local authorities' investment decisions lies, and must continue to lie, with the local authorities themselves. However, the claim by some treasury management advisers that they give information only, not advice, on investment counterparty creditworthiness to local authorities is, in our view, misleading. (Paragraph 99)

The services provided by Treasury Advisors can be interpreted as either as advice or information. However, we recognise that full responsibility for investment decisions rests with the Treasury Management function itself.

11. The involvement of treasury management advisers in local authority treasury management will only be valuable if local authorities understand the level of service they require, and if the advisers themselves are clear about the level of service they are providing. Treasury management advisers must decide, define and communicate what services they are providing clients, particularly in relation to the provision of “information” and/or “advice”. The local authority itself nevertheless remains ultimately responsible for any investment made, and CIPFA should warn local authorities about over-reliance on treasury management advisers, whose services have been shown to be variable and, in some cases, inadequate. (Paragraph 100)

We already only use treasury advisers as one of a range of market information sources that we take into account when making Treasury Management decisions. We will continue to monitor our reliance on, and the quality of our Treasury Advice.

12. We recommend that the Audit Commission carry out a value for money study of the services that local authorities have received from treasury management advisers, with a view to advising local government on the value that they offer in the differing circumstances applying to individual authorities. (Paragraph 101)

We concur that such a review would be useful for local authorities in general, but having recently undertaken a tender for the provision of Treasury Services, we are satisfied that our current Treasury Advisor arrangements provide value for money to the Council.

13. We recommend that the CIPFA Codes give more detailed advice to local authorities on the services which they may expect to receive from treasury management advisers, and how to use them effectively. The guidance should make clear that such advisers may give varying types and levels of information or advice. (Paragraph 105)

We concur that the Codes should be updated accordingly.

14. The Financial Services Authority (FSA) should take a more active role in the regulation of treasury management advisers. The evidence which we have examined has raised concerns about potential conflicts of interest and questions as to whether there are any financial transactions between treasury management advisers and brokers that might compromise the independence of advice being given to local authorities. There is a strong case for a full investigation by the FSA of the services provided by local authority treasury management advisers. We recommend that such an investigation be carried out as soon as possible. (Paragraph 120)

We concur

15. Our examination of the role of treasury management advisers in the Icelandic debacle has raised wider questions about their influence on local authorities’ treasury management practice. First, there is confusion, and perhaps some deliberate ambiguity, about what services they offer. It is clear to us that some local authorities believed that they could place reliance on their treasury management advisers in a way that some of the treasury management advisers themselves now seek to argue was misguided. Second, there is concern about the independence of treasury management advisers that may be part of companies that will benefit from the investment decisions of the local authorities that they advise. Third, there is a lack of clarity about the extent to which local authorities can assume that treasury management advisers are properly regulated. While local authorities must ultimately take responsibility for their investment decisions, a range of regulatory and advisory bodies appear to us to have been complacent in their approach to the role of treasury management advisers. The Audit Commission, CIPFA and the FSA must all re-examine the role and reliability of treasury management advisors and their discharge of duties of care for local authorities in managing this aspect of treasury management. (Paragraph 121)

We concur

The Audit Commission

16. Notwithstanding the Audit Commission's disclaimers about what auditors can and cannot do, the guidance issued after the Icelandic banking collapse shows that there *were* questions that auditors could properly have asked to ensure that local authorities were following agreed treasury management procedures. If the Audit Commission's auditors had followed this guidance as normal practice before the Icelandic banking collapse, local authorities might have been alerted to some of the failures in treasury management procedure which, in some cases, led to funds being put at risk. (Paragraph 132)

Noted – however it was the responsibility of the local authorities, not the Audit Commission, to ensure their procedures were fit for purpose.

17. The Audit Commission took it for granted that treasury management was a well managed function, and, consequently, was not an area of concern for auditors. Even if it could not reasonably have been expected to foresee the collapse of a country's entire banking system, the Audit Commission should have been aware of the greater risk to treasury management as a result of the prevailing financial climate and should have adjusted its practice accordingly. The Audit Commission failed to realise that treasury management was becoming an increasingly risky area and, in that respect, it must share some of the blame for the potential loss of funds in the Icelandic banks. If it had viewed treasury management within the increasingly volatile economic context, it would have put treasury management higher in its auditing procedures, and if it had done that, it is possible that less public money would no be at risk. We recommend that the Audit Commission review its own auditing procedure and prioritisation of the areas of local authority activity it chooses to audit, in order to ensure that such complacency does not happen in future. (Paragraph 135)

We concur.

The CIPFA Codes

18. We recommend that CIPFA add to the issues that need to be covered in a local authority's annual investment strategy (AIS) the use, or not, of an external advisor; schemes of delegation and the role of the Section 151 officer; and the use of and procedures regarding credit rating agencies. The guidance need not be prescriptive about the way in which the AIS should address these issues, but it should ensure that proper attention is paid to these previously under-scrutinised areas. (Paragraph 141)

Noted – the above issues are central to good governance, and we already ensure that our arrangements in these areas are reviewed regularly.

Central Government and local authority treasury management

19. We welcome the Government's willingness, as expressed by the Minister for Local Government in evidence to us, to revise its approach to investment guidance, and we trust that it will look closely again at that guidance in the light of the conclusions of this Report, especially at the issues surrounding the use of credit ratings. However, the failures in treasury management identified by our inquiry and by the Audit Commission's work have for the most part occurred not because of CLG's guidance, but because of local authorities not following the guidance properly. (Paragraph 145)

Noted

20. We agree with the Government's approach to assisting those local authorities that have funds at risk in the failed Icelandic banks, which we consider to be an appropriate way of protecting the council tax payer whilst avoiding the "moral hazard" inherent in an unconditional, open-ended guarantee of local authorities' investments. The Government will have to monitor closely the amount of money that local authorities eventually get back from Iceland to ensure that any actual losses do not seriously disadvantage either local council tax payers or local service users. However, democratically accountable local authorities are ultimately responsible for their investments and it is they who should take the consequences—whether in the budget or at the ballot box—of their investment decisions. (Paragraph 152)

Noted.

21. We seek reassurance that regular meetings at an appropriately senior level are held between the Audit Commission, the local authority associations, CIPFA and CLG to ensure that the treasury management system is kept under review. We also recommend that these meetings include links with the financial regulatory bodies—the Financial Services Authority and the Bank of England—to ensure consistent and up-to-date information is passed onto these bodies. (Paragraph 156)

We concur

22. The majority of stakeholders in treasury management agree that the cost of early repayment of debt to the PWLB needs to be reviewed. We add our voice to those recommending that the Government carry out an urgent review of the arrangements for early repayment of debt to the PWLB. (Paragraph 166)

Since this report was released a 'Consultation Letter' was published by the PWLB, asking for feedback on proposals to provide intra-day rate updates, which it anticipates would lead to a fall in the cost of repaying debt. We are currently preparing a response to this consultation.

Audit Commission Report – Risk and Return: English local authorities and the Icelandic Banks

Conclusions

115 The chaos in the financial system that led to the collapse of the Icelandic banks had no recent precedent. But the collapse has revealed much about the way that local authorities look after their money.

Noted.

116 Many authorities have acted prudently, used advice and information wisely and balanced their risks. Others have been less cautious, by following ratings exclusively and perhaps striving to achieve a high yield without due regard to the risks involved. And a small group of authorities that made deposits in Icelandic banks after the credit ratings had been downgraded did not, in the Commission's view, take adequate steps to ensure that they were using up-to date information when making deposits at a time of great financial instability, and when the fragility of the Icelandic banking system had been widely reported and was common knowledge

We concur – it was known for some time that the Icelandic economy was unstable, which we had picked up from financial news sources. This led to our placing an internal ban on investments with Icelandic banks.

117 The consequence of this lack of caution has been the potential loss of large sums of public money. Had all authorities stopped depositing in Icelandic institutions after April 2008, then the amount of money at risk would have been over £500 million lower than is the case.

Noted.

118 The overarching treasury management framework is the right one. Authorities should remain in control of their own funds within a national prescribed structure. The current structure has gaps, but the system can be adjusted rather than replaced. But if authorities are going to deposit in the commercial sector to benefit from the higher rates of interest available, they must ensure that their treasury management is properly resourced, managed and scrutinised. The full range of risks needs to be recognised and managed.

Noted.

119 There is always the risk that a commercial bank will collapse. Local authorities may, as a consequence, lose money. But with a better approach to managing their deposits, the chances of suffering such a loss can be reduced.

We concur

Recommendations

Central government should:

Review and revise the weaker aspects of the national framework highlighted in this report, especially the weight given to credit rating;

Noted

Enable and require the Debt Management Office (DMO) to provide deposit accounts to public bodies if those bodies cannot achieve the security they require in the market; and

Noted again DMO should be encouraged to pay market rates not ¼% below as they currently are

Review the cost of early repayment of debt to the Public Works Loans Board to ensure that the structure introduced in November 2007 is not acting against the wider public interest by encouraging authorities to hold unnecessarily large deposits.

Local Authorities are discouraged from repaying debt because of its cost in terms of premia and are therefore holding higher levels of deposits.

CIPFA should:

Revise and tighten its code of practice for treasury management to take account of the findings in this report;

Noted

Make more explicit the element of the prudential code that allows loans to be drawn down ahead of actually spending the money. Loans should be drawn down only after risks are fully assessed;

Noted

Continue to work with the Association of Corporate Treasurers to develop appropriate training and qualification for those working in treasury management in local authorities; and

Noted Courses should be appropriate to Local Government i.e. no derivatives or currency elements

Coordinate information sharing between local authorities to enable them to learn from one another. Any benchmarking activities should, as a minimum, highlight measures of security and liquidity of funds as well as yield.

Agreed but issues around benchmarking becoming performance measures and are sometimes counterproductive. Benchmarking occurs with other Metropolitan Districts and on a more detailed level with core cities. These exercises provide guidance on general levels of performance. You cannot however say that one authority is better than another because its return on investments is higher.

Local authorities should:

Set the treasury management framework so that the organisation is explicit about the level of risk it accepts and the balance between security and liquidity and the yield to be achieved. At the highest level, the organisation should decide whether it has:

- Appetite and capability to be able to manage risk by placing funds with financial institutions; or
- no appetite and/or insufficient capability to manage the risk of placing funds in the market, and should instead place funds with the UK government's Debt Management Office;

Agreed – This responsibility is discharged through quarterly strategy meetings, monthly finance meetings and formal reports to Executive Board.

Ensure that treasury management policies:

- follow the revised CIPFA code of practice;
- are scrutinised in detail by a specialist committee, usually the audit committee, before being accepted by the authority; and
- are monitored regularly;

Agreed

Ensure elected members receive regular updates on the full range of risks being run;

Agreed

Ensure that the treasury management function is appropriately resourced, commensurate with the risks involved. Staff should have the right skills and have access to information and external advice;

Agreed and consideration should be given to the levels of experience within the team

Train those elected members of authorities who have accountability for the stewardship of public money so that they are able to scrutinise effectively and be accountable for the treasury management function;

Agreed

Ensure that the full range of options for managing funds is considered, and note that early repayment of loans, or not borrowing money ahead of need, may reduce risks;

Agreed however current PWLB methodology does work against this

Use the fullest range of information before deciding where to deposit funds;

Agreed but need to note time sensitive nature of money dealing in usual circumstances we need to be practical, perfect information will never be available and so a balance should be struck between information and speed.

Be clear about the role of external advisers, and recognise that local authorities remain accountable for decisions made; and

Agreed. The Council is accountable for the decisions it takes.

Look for economies of scale by sharing resources between authorities or with pension funds, while maintaining separation of those funds.

Agreed. Leeds provides a treasury management service for the West Yorkshire Integrated Passenger Transport Authority. In the provision of this service it is essential to understand the cash flow requirements of the service.

The Audit Commission will:

Ask auditors to follow up this report as part of their use of resources work for 2008/09 and future years;

Noted.

Work with CIPFA to ensure that the lessons in this report and the research on which they are based are included in the revised treasury management guidance; and

Noted see above practicality should also be considered. No mention in this that the area usually involves time sensitive workloads and how these may be affected.

Work with others to produce guidance and tools for those in councils with a need to understand the treasury management function.

Noted

CIPFA Treasury Management Panel Bulletin: Treasury Management In Local Authorities – Post Icelandic Banks Collapse (March 2009)

Following the collapse of the Icelandic Banks, Local Authority treasury management has come under the spotlight. The Audit Commission has just published its report “Risk and Return” on local authority treasury management and the Communities and Local Government Select Committee has carried out a review of local authority investments and will report shortly. **CIPFA intends to revise both the Treasury Management Code and Guidance Notes** in light of the lessons to be learnt. This Treasury Management Bulletin provides some interim advice to local authorities on treasury management practices in the light of the Icelandic Banks collapse and the continuing ‘credit crunch’.

It should be noted that this bulletin constitutes advice only. It does not have the status of formal guidance under legislation. Formal guidance will be published following consultation in the form of a revised Treasury Management Code and Guidance Notes for Local Authorities.

Revised Treasury Management Code and Guidance

The reports from the Communities and Local Government Select Committee and the Audit Commission will help to inform the revised code and guidance. This interim advice covers some of the key areas likely to be covered in the revised guidance. Comments are sought from practitioners on the interim guidance and any additional areas that should be covered. Comments should be emailed to alison.scott@cipfa.org by 29 May 2009. It is intended to issue a revised code and guidance notes in summer 2009.

Noted.

Treasury Management Objectives

It is important that treasury management policies adequately reflect risk and in particular security, liquidity and yield risk, in that order of importance. No treasury management transaction is without risk and management of risks is the key purpose of the treasury management strategy.

Noted.

Diversification should be a key consideration in setting treasury management objectives. This includes not just diversification between counterparties but also, diversification between countries, sectors and instruments. Authorities should ensure that the instruments they are using are appropriate to their portfolio and skills and understanding.

We ensure that diversification is taken into account in all investment decisions, whenever appropriate. However we do not agree that it should, in itself, form a treasury management objective. It is instead something to consider in order to achieve the security of our investment portfolio.

Treasury Management Governance Arrangements

The introduction of the Treasury Management Code, Prudential Code and Annual Investment Strategy, improved the involvement of elected councillors in treasury management decision making. The Treasury Management Strategy is approved annually by full Council, this is clearly a strength of current arrangements.

We concur but only if Council fully understand what it is that they are approving

Best practice authorities are supporting this decision making with improved information and regular review by councillors in both executive and scrutiny functions. Councillors are not treasury management professionals and the key to councillor involvement is developing their understanding of treasury risks and the need to place risk above reward.

Noted.

In order to further strengthen councillor involvement, it is suggested that authorities consider how they can best involve Executives and leading Portfolio Holders in determining treasury management

strategies and whether Audit Committees should be given an explicit responsibility to keep treasury management arrangements under review. It is clear that councillor involvement should not be at the level of individual transactions but in terms of policies and procedures with special emphasis on risk management. In order to support Audit Committees in this role, CIPFA will be looking to develop training for councillors in this role.

We are looking into whether one of our scrutiny bodies has specific responsibility for Treasury Management. Training has been offered to councillors in the past, both structured and by request. We would look at CIPFA's training offer when more details of it are released.

The role of the Director of Finance in Treasury Management will be developed as part of the Statement on the Role of the Finance Director for Local Government but it is clear that he or she is ultimately responsible for ensuring that Treasury Management policies and practices are in place and are properly adhered to. The role of internal audit in providing these assurances should be reviewed on a regular basis.

Noted. At Leeds City Council we are audited both internally and externally on an annual basis.

Monitoring

It is recognised that many authorities formally report on treasury management more regularly than the annual report required by the Treasury Management Code. In order to enshrine best practice it is suggested that authorities report formally on treasury management activities at least twice a year and preferably quarterly. Other than the annual report the additional monitoring reports could be taken to executive committees as long as they are public reports available to all councillors and audit and scrutiny committees.

We currently provide three Treasury Reports to Exec Board / Full Council each year. One establishes our Treasury Strategy for the year ahead, another provides a mid year update, and the third provides a retrospective look at Treasury activity over the past year. We do not believe that moving to quarterly reporting would add any value, but will keep the situation under review. Overlaid on this we have quarterly formal strategy meeting involving the director as well as monthly update reports to a financial performance group won which the director sits.

Gross and Net Borrowing

Authorities may have a gross borrowing level that exceeds their capital financing requirement for a number of reasons including historical differences between capital receipts and debt repayment profiles and borrowing in advance of need. Authorities should satisfy themselves that, where gross and net debt levels vary substantially, they have taken account of all the risks associated with this strategy and that the reasons underpinning it are sound.

In the interests of transparency and to improve decision making, it is suggested that both the reasons for any significant difference between gross and net debt and the risks and benefits associated with the strategy are clearly placed before councillors as part of their agreement of the annual strategy.

All investment decisions involve a risk assessment. Our Strategy reports provide a gross to net debt reconciliation, and mentions the risks involved in investing any balances.

Local authorities are reminded that borrowing for the explicit purpose of re-investment is ultra vires.

Noted – this is already acknowledged in our TMPS.

Skills and Training

Local authorities should recognise the importance of their treasury management functions and ensure that they are adequately resourced to manage and safeguard the authority's cash resources. Training of staff should address all of the procedures, practices and processes which are relevant to the authority's treasury management arrangements. It is important that staff are only dealing with treasury management transactions where they fully understand the inherent risks.

The Treasury Management function has recently expanded to 4 members of staff, with some grades being increased. Training is provided on the job by experienced managers, with a long training period before any staff member is allowed to make investment decisions.

CIPFA and the Association of Corporate Treasurers will be launching a joint treasury management qualification aimed at public sector organisations in June 2009. CIPFA has also launched a risk management consultation paper and will look to develop practical guidance and toolkits for local authorities for management of treasury risk.

The Treasury Management function is currently assessing the new CIPFA qualification in Treasury Management, with a view to using it if it proves worthwhile. At present the TM function consists of a CIPFA member a very experienced qualified AAT and a part qualified CIPFA trainee.

Counterparty Lists

There has been much debate about the role of credit ratings and their use by local authorities. Credit ratings remain a key source of information but it is important to recognise that they do have limitations. Authorities are advised to have regard to the ratings issued by all three main agencies, Fitch, Moodys and Standard and Poor, and to make their decisions on the basis of the lowest rating. Ratings should be kept under regular review and 'ratings watch' notices acted upon.

We already base our investment decisions on all three credit agencies' ratings, and continually maintain our counterparty list in line with ratings watch notices.

Other sources of information should also be systematically reviewed by authorities. These include the quality financial press, market data and information on government support for banks and the credit ratings of that government support.

We collate information from a wide range of financial sources – these include the Financial Times, Reuters news streams and daily economics briefings from a range of banks and broking houses.

Current best practice by authorities includes setting limits on both the principal amounts invested and duration dependant on the financial standing of institutions and applying sector and country limits in line with their financial strength. It is recommended that authorities in addition to applying limits to individual institutions also apply clear country and sector limits.

We currently deal in only two sectors – banks and other local authorities, so do not feel a sector limit would be useful. We already consider our exposure to other countries when making investment decisions, but feel that a formal limit would be too restrictive.

Use of Treasury Management Advisers

There has also been significant debate about the role and use by authorities of Treasury Management Advisers. One of the key issues appears to have been over-reliance by some authorities on their advisers. Responsibility for investments and borrowing remains with the authority. Authorities should be clear on the status of the service they are receiving from their advisers and satisfy themselves of its appropriateness for their needs.

We recognise that responsibility for investment decisions rests with the Authority, and only use Treasury Advisers as part of a wide range of information used in making investment decisions. We ensure that the service we receive is appropriate as part of the annual procurement of the TA contract.

Authorities should also regularly review their decisions on the use of external investment managers to ensure that these remain appropriate in the light of a changing investment climate.

We do not currently use external managers, but retain the right to do so in the TMPS. This policy is reviewed as part of the annual Treasury Strategy Report.

Benchmarking

Benchmarking has a role in treasury management but benchmarks should not only refer to yield but also reflect the risk inherent in treasury management activities. At a minimum they should include information on security, liquidity and yield.

We currently do some benchmarking as part of the Core Cities group. These benchmarks look at both yield and risk, among other measures.

Originator: Sue Holden

Tel: 51863

Report of the Assistant Chief Executive (Corporate Governance)

Scrutiny Board (Central and Corporate Functions)

Date: 2nd November 2009

Subject: Gambling Act 2005 Statement of Licensing Policy

Electoral Wards Affected:

All

Specific Implications For:

Ethnic minorities

Women

Disabled people

Executive Summary

This report updates Scrutiny Board on the public consultation on the Gambling Act 2005 Statement of Licensing Policy as required by the Gambling Act 2005. This report includes the final consultation report and presents the final draft version of the Policy for comment.

1.0 Purpose of This Report

- 1.1 This report is to advise Scrutiny Board of the result of the public consultation (**Appendix 1**) and to present the final draft of the Gambling Act 2005 Statement of Licensing Policy (**Appendix 2**) for comment.

2.0 Background Information

- 2.1 Under Section 349 of the Gambling Act 2005 ('the Act') the Licensing Authority is required to prepare a statement of principles that they propose to apply in exercising their functions under this Act during that period and to publish the statement.
- 2.2 This process is to be repeated every three years from 31st January 2007. The consultation procedure is laid out clearly in the Gambling Act 2005 and the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006. The consultation process is being followed with regard to HM Government's Code of Practice on Consultation.
- 2.3 The final version of the Policy must be published by 3rd January 2010.

3.0 Main Issues

- 3.1 The Act requires that the licensing authority consults with:
- a. The Chief Officer of the Police
 - b. One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
 - c. One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.
- 3.2 In addition to the requirements of the Act, the Secretary of State issued a further statutory instrument, The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006, which required specific information to be included in the policy.
- 3.3 Leeds City Council published its first Gambling Act 2005 Statement of Licensing Policy in January 2007 and is now due to publish its second Policy in line with the legislation.
- 3.4 Scrutiny Board were advised of the consultation methodology in June 2009. Since that time the council has taken the policy through a public consultation process. There were four postal responses and four responses via the web from members of the public. The details are included in the Final Consultation Report (**Appendix 1**).

3.5 It should be noted that the timescales set out in the Gambling Act 2005 would not allow the Council to consult sufficiently to include detailed principles relating to the large casino application process. It is intended to place a holding paragraph in the Policy this year, with a view to reviewing that part of the Policy on its own once the Casino Project Board has established the principles they need to include in the Policy to ensure that Leeds receives the best possible outcome from the casino application process.

4.0 Implications for Council Policy and Governance

4.1 Due to the strict timeframe, it will be necessary to provide Executive Board with a verbal update from this meeting in order for the Policy to be presented for approval at full Council in November.

4.2 The timeframes do not allow for any slippage as the Policy must be published by 3rd January 2010.

5.0 Legal and Resource Implications

5.1 No significant resource implications identified.

5.2 The Policy lays down the council's main principles for exercising its functions under the Gambling Act 2005 and can be challenged by both the trade and public. Therefore, it is necessary to ensure that the Policy is legally watertight and any departures from the guidance issued by the Government or the Gambling Commission can be fully and comprehensively justified.

5.3 The consultation procedure is laid out in the Gambling Act 2005, and the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006. The consultation process is being followed with regard to HM Government's Code of Practice on Consultation.

6.0 Conclusions

6.1 The purpose of this report is to advise Scrutiny Board on the results of the public consultation of the Gambling Act 2005 Statement of Licensing Policy.

7.0 Recommendations

7.1 Members are requested to note the contents of this report and the accompanying appendices and to provide comments as they feel appropriate.

Appendices

Appendix 1 Final Consultation Report

Appendix 2 Gambling Act 2005 Statement of Licensing Policy Final Draft

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Final Consultation Report

Statement of Licensing Policy 2010 – 2013

Gambling Act 2005

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Executive Summary

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

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

A second draft of the policy was produced and presented to Executive Board on 17th June and full Council on 15th July 2009.

The public consultation took place between 3rd August and 2nd October which was a nine week consultation period. Officers analysed the responses and produced a final draft of the Policy.

It will be presented to Scrutiny and Overview Board on 2nd November, Executive Board on 4th November and full Council mid November.

The final Statement of Licensing Policy must be published by 10th January 2010 to be in place by 31st January 2010.

Introduction

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

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

Background Information

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

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

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

The Licensing Objectives

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

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

Purpose of the Statement of Licensing Policy

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

Purpose of the Consultation

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

Consultation Methodology

The following activities took place:

- An initial first draft of the policy was produced in consultation with licensing officers and legal services.
- This draft was circulated amongst the responsible authorities for comment.
- Comments were received from West Yorkshire Police and Safeguarding Children Board and were incorporated into the second draft.
- The second draft was presented to full Council for debate and comment in July 2009. No comments were made and a Public Consultation Draft was produced.
- The public consultation commenced at the beginning of August and ran for nine weeks which is in excess of the four weeks specified in the Act. The Home Office Code of Practice on Consultation specifies that a 12 week consultation is good practice. However this was not possible due to restraints imposed by the timetabling of Overview and Scrutiny Board and Executive Board.
- The draft policy and a summary of changes were uploaded to a webpage on the Leeds City Council website. A news items appeared on the homepage on the first day of the consultation.
- A full colour poster was sent to all libraries, one stop centres and leisure centres in the district.
- Elected members were sent a letter describing where the policy could be accessed.
- A mail shot was sent out to an extensive list of identified stakeholders. This included existing licence holders, national trade associations, responsible authorities, organisations concerned with the social impact of gambling, MPs, parish councils, and faith groups to name just a few.

- A news story was presented in About Leeds in September negating the need for an expensive newspaper advertisement.
- A press release was issued by the press office advertising the consultation.

First Draft Consultation Response

Officer Comments

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

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

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

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

Consultation with Responsible Authorities

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

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

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

West Yorkshire Police

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

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

Safeguarding Children's Board

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

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

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

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

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

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

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

Section ' Protection of vulnerable people'

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

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

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

A meeting was held between Entertainment Licensing and Adult Social Care specifically to discuss the issue of vulnerable adults. This is a difficult subject because the Gambling Commission has declined to provide a definition for this term. The section was rewritten following this meeting as follows:

Original Text

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

Protection of children

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

Protection of vulnerable people

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

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

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

Amended text:

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

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

Meaning of "child" and "young person"

- (1) In this Act "child" means an individual who is less than 16 years old.
- (2) In this Act "young person" means an individual who is not a child but who is less than 18 years old.

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

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

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

[Protection of vulnerable people](#)

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

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

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

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

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

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

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

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

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

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

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

- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- Fixed Odds Betting Terminals should clearly display the odds
- positioning of ATM machines
- stickers / posters with GamCare Helpline and website in prominent locations, i.e. on ATM machines
- windows, entrances and advertisements to be positioned or designed not to entice passers by.

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

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

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

This draft was taken to Executive Board on 17th June, Scrutiny (Central and Development) on 6th July and full Council on 15th July 2009. No comments were made so the second draft was altered to form the Public Consultation Draft

Public Consultation Responses

The public consultation took place between 3rd August and 2nd October which was a nine week consultation period.

Leeds City Council received four postal responses to the public consultation.

The Racecourse Association Ltd

The Racecourse Association Ltd responded on behalf of their members. A copy of the response can be found at Appendix 1 – Public Consultation Responses.

The Racecourse Association made five comments:

Location (Part C, paragraph 13.10)

The proposed location of gambling premises may be taken into account when assessing the application. The council is asked to consider that the location of racecourses will not have altered since its foundation and cannot be transferred to another location.

Comment: The Council will always consider each application on a case by case basis and in conjunction with any representations received from interested parties or responsible authorities. The location of established premises would have significantly less impact on the surrounding area than the construction and operation of a new business. This would be taken into consideration when the Council is making its determination at licensing sub-committee hearings.

Action: None.

Conditions (Part C, Paragraph 13.13 and 19.10)

In certain circumstances the council may impose additional conditions on racecourses to ensure the licensing objectives are met. The Council is asked to ensure that these conditions do not exceed those premises licence conditions outlined in the Premises Licence Mandatory and Default Conditions.

Comment: The council has the ability to impose conditions in addition to those mandatory and default conditions supplied by the Gambling Act 2005. The council will only impose conditions after a representation to the application is received and at a sub-committee hearing where the applicant would have the ability to input into the decision. The applicant also has the right of appeal against the licensing sub-committee decision.

Action: None.

Door Supervisors (Part C Paragraph 13.20)

The Council is asked to be aware that under the Licensing Act 2003 and the Private Security Industry Act 2001 racecourses are already required to provide licensed door supervisors in some roles. In line with the Government's Better Regulation Agenda and the stipulation by the Council in Paragraph 13.12 that they will seek to avoid duplication with other regulatory regimes the Council should not impose any further provisions relating to door supervisors.

Comment: As stated previously each application is dealt with on a case by case basis. Additional provisions regarding door supervisors would only be imposed formally at a licensing sub-committee hearing, following a relevant representation from a responsible authority or interested party and where necessary.

Action: None.

Betting Machines (Part C Paragraph 19.8)

As racecourses will not hold Operating Licences they will also not be responsible for the provision of Betting Machines on these premises. These will be provided by third party operators who will be required to act in accordance with the conditions of their Operating Licences as issued by the Gambling Commission. In line with this and with Paragraph 20.55 of the third edition of the Gambling Commission's Guidance to Licensing Authorities no restrictions should be placed on the number of Betting Machines at tracks.

Comment: Section 181 of the Gambling Act provides local authorities with the ability to include a condition on betting premises licences relating to the number of betting machines, the nature of those machines and the circumstances under which they can be made available for use. Although the betting machines may be provided by an operator, they will be provided for use under the tracks betting premises licence.

So although there is no blanket restriction on the number of machines available for use (as there are with gambling machines on other licensed premises), the council does have the ability to restrict these number if to do so would promote the licensing objectives, specifically in relation to the protection of children and vulnerable people.

When determining premises licences, and applying conditions, the council will have regard for both the Gambling Act 2005 and the Gambling

Commission Guidance to Licensing Authorities, however it will not be appropriate to include a statement in the policy which would effectively remove the ability to place a condition on a licence if it proves necessary to promote the licensing objectives.

Action: None.

Conditions on rules being displayed (Part C, paragraph 19.9)

The council should be aware that it may not be practical for racecourses to print examples of the Standard Rules of Betting (Tattersalls Rules) in their race card or in a leaflet form. However these will be displayed in line with the Premises Licence Mandatory and Default Conditions.

Comment: The Gambling Policy states that 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. However the mandatory condition applied to all betting (track) premises licences states "The terms on which a bet may be placed must be displayed in a prominent place within the premises to which customers wishing to use facilities for betting have unrestricted access."

Action: As the prominent display of standard rules is a mandatory condition, it would be acceptable to remove paragraph 19.9 entirely.

British Beer and Pub Association

The British Beer & Pub Association responded on behalf of their members. A copy of the response can be found at Appendix 1 – Public Consultation Responses.

The protection of children and vulnerable persons

We would like to take this opportunity to emphasise that pubs have had amusement with prize machines on their premises for many years. The BBPA has been pressing for legislation prohibiting under 18s from playing all cash machines (ACMs) since before the introduction of our Code of Practice on Minimum Age of Players, and we therefore very welcome the restriction now contained in the new Gambling Act.

The Association first introduced its Code of Practice in 1998 and has kept it under regular review since then. As a result of the Code which is supported by other trade bodies including the ALMR, BII, FLVA and BACTA, ACMs coming on to the market include the "No Under 18s to Play" prohibition notice in the front of the machine. The inclusion of this notice has been achieved at the instigation of the Association in co-operation with machine suppliers.

BBPA member company training schemes also reinforce the management of the machines to ensure the minimum age requirement is complied with, for example by requesting recognised ID such as a PASS accredited proof of age card, driving licence or passport where there is doubt that the player is 18 years of age or over.

Comment: The requirement to place a notice on the machines that no under 18s can play is a requirement under the Gaming Machine (Circumstances of Use) Regulations 2007 section 3(1)(c).

Action: None.

Grant of additional permits

While there is no actual requirement under the Gambling Act 2005 for machines to be sited in the bar, we believe that supervision of machines is very important and this is again reinforced by our Code of Practice and staff training. Under the new regime, when operators apply for additional machine permits and they are complying with the Gambling Commission Code of Practice (which will of course replace the BBPA code) there is no reason why these should not be granted. It would be helpful if the Statement of Principles could reflect this.

Comment: The policy covers this issue with three paragraphs and states:

- 23.2 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 children and young people under the age of 18 do not have access to the adult only gaming machines.
- 23.3 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.
- 23.4 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.

Therefore the council has stated that it will consider each application on a case by case basis and is not able to predetermine the outcome of permit applications.

Action: None.

Application procedures for more than two machines

The Association would welcome the inclusion in the policy of an outline of the application procedures for permits for more than two machines. We understand that some councils are taking the view that they will grant up to four machine permits without the need for a hearing. We support such an approach in the interests of reduced administration and bureaucracy for both Councils and applicants and would encourage you to consider this possibility.

Comment: As described above, each application is determined on a case by case basis. Officers have the discretion to present an application to a licensing sub-committee in exceptional cases, however the council would hesitate to set a definitive number of machines, as this should be considered alongside other matters such as locality and size of premises. This is pertinent in the Leeds area where some city centre premises would easily accommodate more than four machines without causing an adverse impact on the licensing objectives.

Action: None.

Rank Group

Rank Group responded to the Statement of Licensing Policy with the following comments:

Rank is sure that the references in the statement to Gambling Commission guidance do relate to the latest edition of the Gambling commission's Guidance to Licensing Authorities that was published on the 1 May 2009. Any review of a Local Authority's statement of principles must have regard to the Gambling Commission's most up to date guidance. It might therefore be useful to include the reference and include a link that any interested party can consult.

Comment: The council has deliberately not included reference to a particular version of the Gambling Commission's Guidance to Licensing Authorities to future proof the policy. The lifecycle of the Guidance has, in the past, been shorter than that of the policy and to reference a particular version may lead to the policy referencing an earlier version of the guidance than is currently available.

Action: None.

Additionally, the revised Gambling commission's Licence Conditions and Codes of Practice (LCCP) came into force on 1st January 2009. Again, the revised LCCP deals with a number of different issues that are directly relevant to the application process. For example, it introduces more extensive obligation upon operators in relation to matters of social responsibility, amongst other things. The authority states that it will have regard to the Codes of Practice that have been issued. However again a link might be useful (included below) so that any interested parties and responsible authorities can be taken to the document.

Comment: Again the council has resisted referencing specific versions of the LCCP and providing a link for the responsible authorities/interested parties as the LCCP are subject to change, as do website links. However it is acknowledged that a link to the Gambling commission website would be useful as a starting point.

Action: Insert Gambling Commission website address into Executive Summary and Part A.

The Gambling Commission (The Commission) also consulted on issues relating to the primary purpose of gambling premises. The Commission has imposed new conditions on existing operating licences that require the operator to provide the primary gambling facilities specified in the licence type. The new conditions were attached to operators licences with effect from the 1st May 2009, as set out in the commission's LCCP Supplement 4: primary gambling activity. We cannot see any particular reference to these latest requirements.

Comment: The policy, at 1.4 and 1.5 references "relevant guidance" and "relevant code of practice". As above, the council has resisted mentioning specific codes of practice as these change and are amended over time.

Action: None.

Para 4.1 – the sentence refers to the Act bringing about – as it is now fully in force maybe the tense should be altered.

Comment: Agreed

Action: Alter the word bring to brought.

6.4 – We believe that the planning authority is omitted

Comment: Agreed

Action: Insert Development Department's details in para 6.4.

7.1 – Although the authority will consult on the casino section separately should reference be included to the amendment made by Schedule 9 to provide that applicants for a large casino are automatically interested parties to each other's application.

Comment: This would be more appropriately addressed in the section relating to the Large Casino and the application process, as it is specific to that process.

Action: None.

Part B Promotion of the Licensing Objectives

Unlike the Licensing Act 2003 section 153 Gambling Act only requires the authority to aim to permit the use of the premises for gambling in so far as the authority think is reasonably consistent with the licensing objectives. Promotion may not therefore be the correct word in this context.

Comment: Agreed.

Action: Change the wording to Part B – Consistency with the Licensing Objectives.

Para 12 Protection of the vulnerable and children.

12.3, 12.8 and 12.9 – reference to LCCP would assist interested parties in understanding the extensive obligations imposed on operators by their Operator Licences.

Comment: There is a reference to LCCP at paragraph 12.9. This part of the policy is signposting applicants to the various sources of information so they can prepare their application and to assist them with their business practices. It would not be useful to signpost interested parties to the LCCPs at this point, as this section clearly doesn't refer to them.

Action: None.

Part C Premises Licence

Para 13 – In relation to “split premises” there is no reference to the revised guidance from the Commission albeit that the paragraphs do accurately summarise and reflect that guidance. The reason for highlighting is that more authorities are extracting the relevant sections in their Statement.

Comment: This part of the policy has remained the same apart from a few minor amendments to bring it fully in line with the Gambling Commission guidance. The council does not feel referencing a particular revision to the guidance would be helpful to applicants.

Action: None.

13.8 – this paragraph does not appear to reflect the revised Commission guidance following the Betting Shop Services High Court decision. The Commission advise that provided there are detailed plans submitted there is no reason why a full licence should not be granted, subject to suitable conditions, which can include a condition that the premises cannot be operated until they have been inspected by the authority and any other relevant authority. A full licence is required by an operator in order to satisfy the conditionality in a development contract and this will be particularly relevant to the large casino application process. Also the authority need not issue the licence until the premises have been completed and inspected. There appears to be a typographical error as section 21 related to provisional statement.

Comment: Agreed. The decision whether to apply for a provisional statement or premises licence is made by the applicant, and there may be specific reasons why one application is more suitable than the other.

Action: As this paragraph does not assist applicants, or state a principle, it would be more appropriate to remove the paragraph entirely.

13.13 – in addition to the mandatory and default conditions the Commission’s LCCP impose mandatory conditions on Operators Licences and may well negate the need for specific conditions.

Comment: Agreed.

Action: Include a reference to LCCP.

13.20 – the exemption for bingo hall and casinos only applies to staff directly employed by the operator. Third party contractors must therefore utilise SIA registered staff at such premises.

Comment: This section relates to door staff not licensed by the SIA by way of the amendment the Gambling Act 2005 brought to the Private Security Industry Act 2001. The recommendation is that operators may wish to CRB check unlicensed staff. The operators themselves will be aware of

their obligations under the Private Security Industry Act 2001, and so there should be not need to cloud the issue with additional detail.

Action: None.

16 Casinos

16.2 – should perhaps be clarified by including reference to the games of equal chance permitted in converted casinos – poker being the most common, as such games are not played against the house.

Comment: This section was lifted almost verbatim from the Gambling Act and the Gambling Commission's Guidance to Licensing Authorities. On reflection the omission of equal chance gaming does imply that these games are not permitted, which is incorrect.

Action: Include a sentence regarding equal chance gaming.

16.3, 16.4 – we believed that the commission have removed the section that referred to further guidance being issued. There are, of course requirement in the mandatory conditions and LCCP.

Comment: Agreed. This paragraph refers to a statement in the previous version of the Gambling commission Guidance to Licensing Authorities which promised further guidance.

Action: Rewrite this section to refer to the mandatory conditions and the LCCP.

16.5 – betting machines are not permitted in converted casinos – see para 65(9) of the Commencement Order No 6 and Transitional Arrangements Regulations – which amend the Act in several areas to provide special arrangements for converted casinos.

Comment: Agreed. This paragraph is no longer relevant to this part of the policy, but will be included in the Large Casino section when this is inserted in 2010.

Action: Remove paragraph.

16.7 – Large Casino. Rank notes that fact that the authority will consult separately on the competition process next year. Therefore we will not comment at this stage other than refer to the point already made above.

Comment: None.

Action: None.

17 Bingo Premises

It may be of assistance for this section to include reference to the fact that bingo can be played in unlicensed premises provided there is strict compliance with the statutory threshold on stakes and prizes. If those are to be exceeded then clearly an operator must apply for an Operator's Licence.

Comment: As this section refers specifically to premises licensed for bingo. It may confuse the issue to include all the exemptions allowed in the Gambling Act in the relevant sections. This is not necessarily a matter for the Statement of Licensing Policy.

Action: None.

17.3 – again the Commission has not issued further guidance but has added further conditions to Operating Licences in relation to the primary purpose for which the premises are used to ensure that facilities for the playing of bingo must be provided in any premises holding a bingo premises licence.

Comment: Agreed.

Action: This paragraph is to be rewritten with reference to the mandatory conditions and the LCCP.

18 Betting Premises

18.3 – this is a particularly important paragraph given the very high failure rate on age verification testing that has been undertaken. The control measures required by LCCP for such premises are far less stringent than for bingo clubs and casinos.

Comment: Although this is a matter for concern, it is addressed by paragraph 18.4 which states that the council may consider conditions to address issues.

Action: None.

18.4 – again it may be of assistance to include reference to the revised requirements as to primary purpose imposed on Operating Licences which require that full betting facilities must be provided in premises. There is a dispensation in relation to premises licensed under the 1963 Act converted whereby they may continue to operate until March 2010 without such facilities. Any licences granted since September 2006 are therefore of no effect unless full betting facilities are now provided.

Comment: The Gambling Commission Code of Practice is already referenced in this paragraph. The matter of primary purpose is dealt with under the Gambling Commission's Operator's Licence and is not within the scope of the policy. As this dispensation is transitional in nature, and not enforced by the Licensing Authority it is not appropriate to include it in the Statement of Licensing Policy.

Action: None.

Part D Permits

Para 23 – Alcohol Licensed Premises

It may assist licensees if reference was made in this section to the advice on exempt gaming issued by the Commission and now incorporated into the 3rd edition of their guidance – particularly in relation to the keeping of records so that the DPS can demonstrate that the equal chance gaming is being conducted legally within the permitted limits.

Comment: This section relates to gaming machine permits in alcohol licensed premises, rather than exempt gaming. The Gambling Commission have produced both comprehensive guidance to licensing authorities and to the operators of public houses on this matter, and it would be outside of the scope of this policy to include detailed information in this section. However reference should be made to this ability and the table included at Appendix C of the Gambling Commission's Guidance to Licensing Authorities is a useful tool.

Action: Include additional paragraph at 23.8 and refer to Appendix C.

Para 25 – Club gaming and machine permits

There is real concern in the bingo and casino industry as to the number of illegal poker (it is thought that there are at least 120 such clubs nationally) and bingo clubs that operate as commercial organisations in contravention of the requirements of the Act and are not run as bona fide members clubs. The Commission have made it clear that they expect authorities to ensure that the requirements of the Act are complied with and have advised authorities of the power to review and revoke such permits.

Comment: This is an enforcement issue and outside of the scope of the Policy, however the concern has been noted and forwarded to the Licensing Authorities Enforcement Team.

Action: None.

Reponses from members of the public – anonymised

There were 21 responses received via the web form.

17 of these responses gave contact details but no comment. Four responses were received with comments:

Response 6004005

I think gambling needs to be reduced not increased. It can create problems for people.

Comment: This is not within the scope of the Gambling policy.

Action: None.

Response 6004040

I found it a comprehensive and easily understood document.

Comment: No comment.

Action: None.

Response 6004353

I have read the documents re gambling which seem fine and my only concern is really about the 'victims' of gambling.

1. Shouldn't this be discussed at part of PSE in schools, I.e. Pavlov and classical condition; how people are hooked by thinking "Next time I will win, next time I will win". I have a nephew who was, for a while, losing most of his wages on machines but doesn't believe he has a problem and he has a good job in the public sector (the arcade used to give him free tea and sandwiches – shouldn't they be encouraged to have a duty of care to gamblers, i.e. pubs can't serve people who are drunk and perhaps staff in gambling establishments need appropriate training).
2. Couldn't some of the proceeds from the licences be given to this training and for support groups who work with gambling addicts, i.e. 5% or a reasonable amount to fund training/workers/outreach in school etc/support groups etc., i.e. Gamblers Anonymous or couldn't there be a say 5% levy on all the Gambling Providers to support all the victims (who are probably broader than just the vulnerable groups identified in the Act)?

Comments: The policy primarily deals with issues relating to licences, permits and registrations, the application process and the way the Licensing Authority determines those licences. Therefore the policy provides information on how applicants can contact groups who engage with vulnerable people. It is not within the scope of this policy to provide education for vulnerable people, although operators have requirements placed upon them by the Gambling Commission Licence Conditions and Code of Practice in the area of social responsibility.

The Government receives a voluntary levy from the gambling industry which provides funds which helps to pay for national social inclusion schemes, prevalence studies and other work which promotes the licensing objectives described in the Gambling Act 2005. This satisfies part of the requirement under their Operators Licence. This issue is enforced by the Gambling Commission.

In addition Leeds City Council won the right to licence a new large casino. The licensing process allows the council to enter into agreements with the licence operator to provide benefit to the area, either by a financial agreement, by the provision of jobs and other similar benefits. This process is designed to provide regeneration benefits to the area. It is hoped that the application process for the new casino will be started in 2010.

Action: None.

Response 6005434

The council should restrict the numbers of betting shops – there are far far too many in Leeds and they are open until 9 or 10pm in some areas.

Comments: The Gambling Act 2005 does not allow Licensing Authorities to consider the demand or need for gambling facilities in an area. This is reiterated at 13.9 in the Policy. The Gambling Act 2005 Mandatory Conditions specify opening hours, which for betting shops is 7am to 10pm.

Action: None.

Conclusion

When the first Gambling Act 2005 Statement of Licensing Policy was written, secondary legislation relating to the Act hadn't yet been published. The Policy was based upon a template provided by LACORS and then heavily customised for Leeds City Council. It is testament to the original policy writers that there are as few amendments as there are.

Social Services were able to provide very useful information which has allowed the Licensing Authority to signpost applicants to sources of specialist advice relating to children and vulnerable people.

The Public Consultation was a very valuable process with a small number of respondents. However the information the respondents provided was useful in tightening specific areas of concern within the Policy.

The section of the Policy that relates to the Large Casino was not ready in time to be included in this review process. It is anticipated that this section will be reviewed and consulted upon separately in the middle part of 2010 with the actual application process starting towards the end of that year.

There is some discussion in DCMS circles regarding the requirement to review triennially the Statement of Licensing Policy for both the Licensing Act 2003 and the Gambling Act 2005. In particular the Licensing Act 2003 will have been reviewed three times by the end of next year, with very few amendments to the main body of the policy expected. Entertainment Licensing would welcome a relaxation in this requirement, only reviewing the Policy as required, for example after a major amendment to the primary legislation or in response to changing circumstances.

APPENDIX 1 - CHANGE DOCUMENT

Document Title: Gambling Act 2005 Statement of Licensing Policy Review

Contact for enquiries: Sue Holden ext: 51863

Part	Current	Part	Change to	Date
Executive Summary				
Insert				
1. The licensing objectives				
1.2	<p>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:</p> <ul style="list-style-type: none"> • preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime • ensuring that gambling is conducted in a fair and open way • protecting children and other vulnerable persons from being harmed or exploited by gambling. 	1.2	<p>The council will carry out its functions under the Act with a view to aiming to permit the use of premises for gambling in so far as it is reasonably consistent with the three licensing objectives set out at Section 1 of the Act. The licensing objectives are:</p> <ul style="list-style-type: none"> • preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime • ensuring that gambling is conducted in a fair and open way • protecting children and other vulnerable persons from being harmed or exploited by gambling. 	Final draft 05/10/09
1.3	<p>More information can be found about how the council will promote the licensing objectives in Part B and C of this document.</p>	1.3	<p>More information can be found about how the council will achieve this in Part B and C of this document.</p>	Final draft 05/10/09

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.	1.4	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 (www.gamblingcommission.gov.uk).	Final draft 05/10/09
2. The Leeds district				
No major changes				
3. The purpose of the Gambling Act 2005 – Statement of Licensing Policy				
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:	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:	First draft 27/04/09
	<ul style="list-style-type: none"> • West Yorkshire Police • the Local Safeguarding Children Board • representatives of local businesses (including Leeds Chamber of Commerce and the Federation of Small Businesses) • members of the public • the Gambling Commission • community representatives • town councils in the district • parish councils in the district • local Members of Parliament • national bodies representing the gambling trade • national charities concerned with the social impact of gambling • other charities offering support to alcohol and drugs users • representatives of existing licence holders • Yorkshire Forward (the regional development 		<ul style="list-style-type: none"> • West Yorkshire Police • the Local Safeguarding Children Board • representatives of local businesses (including Leeds Chamber of Commerce and the Federation of Small Businesses) • members of the public • the Gambling Commission • community representatives • town/parish councils in the district • Area Committees • local Members of Parliament • national bodies representing the gambling trade • national charities concerned with the social impact of gambling • other charities offering support to alcohol and drugs users • representatives of existing licence holders • Yorkshire Forward (the regional 	

	<p>agency)</p> <ul style="list-style-type: none"> Yorkshire Culture Leeds Citizens Advice Bureau Primary Care Trusts Her Majesty's Revenue and Customs West Yorkshire Fire and Rescue Service Faith Groups within the Leeds district Department of Neighbourhoods & Housing, Environmental Health Services Leeds City Council Development Department 		<ul style="list-style-type: none"> development agency) Yorkshire Culture Leeds Citizens Advice Bureau Primary Care Trusts Her Majesty's Revenue and Customs West Yorkshire Fire and Rescue Service Faith Groups within the Leeds district Department of Neighbourhoods & Housing, Environmental Health Services Leeds City Council Development Department Leeds Initiative 	
3.3	<p>The consultation took place between June and September 2006 and followed the Cabinet Officer code of practice on consultations published in April 2004. This document is available from the Cabinet Office website at: www.cabinetoffice.gov.uk</p>	3.3	<p>The consultation took place between May and July 2009 and followed the Better Regulation Executive Code of Practice on Consultation published in July 2008 and available from their website: www.bre.brr.gov.uk</p>	First draft 27/04/09
3.5	<p>The policy was approved at a meeting of the Full Council on 13th December 2006.</p>	3.5	<p>The policy was approved at a meeting of the Full Council on xxth November 2009 (insert date after adoption).</p>	First draft 27/04/09
4. The licensing framework				
4.1	<p>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.</p>	4.1	<p>The Gambling Act 2005 brought about changes to the way that gambling is administered in the United Kingdom. The Gambling Commission is the national gambling regulator and has a lead role in working with central government and local authorities to regulate gambling activity.</p>	Final draft 05/10/09
5. Declaration				
No major changes				

6. Responsible authorities				
6.3	In accordance with the regulations the council designates the Local Safeguarding Children Board for this purpose.	6.3	In accordance with the regulations the council designates the Local Safeguarding Children Board for this purpose. Leeds Safeguarding Children Board have produced a "West Yorkshire Consortium Procedures Manual which can be found at http://www.procedures.leedsiscb.org.uk . Applicants may find this manual useful as a point of reference, a guide for good practice and the mechanism by which to make a referral to Social Care etc, when producing their own policies and procedures in relation to the objective of protection of children and vulnerable people.	Second draft 05/06/09
6.4	The contact details of all the responsible authorities under the Gambling Act 2005 can be found in our application packs and on our website at: www.leeds.gov.uk/licensing	6.4	The contact details of all the responsible authorities under the Gambling Act 2005 are: The Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP West Yorkshire Police Robert Patterson Leeds District Licensing Officer Millgarth Police Station Leeds LS2 7HX Leeds Safe Guarding Children Board Merrion House 110 Merrion Centre Leeds LS2 8QB T: 0113 230 6666 Fax: 0121 233 1096 info@gamblingcommission.gov.uk T: 0113 241 4023 T: 0113 247 8543 administrator@leedsiscb.org.uk	First draft 27/04/09 Final draft 05/10/09

			<p>West Yorkshire Fire and Rescue Service District Fire Safety Officer Leeds Fire Station Kirkstall Road Leeds LS3 1NF</p> <p>Leeds City Council Planning and Development Services The Leonardo Building 2 Rossington Street Leeds, LS2 8HD</p> <p>Leeds City Council Environmental Health Services Millshaw Office Millshaw Park Way Churwell Leeds LS11 0LS</p> <p>HM Revenue and Customs National Registration Unit Portcullis House 21 India Street Glasgow G2 4PZ</p>	<p>T: 0113 244 0302</p> <p>T: 0113 247 6026</p> <p>T: 0141 555 3633 nrubetting&gaming@hmrc.gsi.gov.uk</p>
7. Interested parties				
No major changes				
8. Exchange of information				
8.2	Remove		matter when it is published,	Final draft 05/10/09

<p>9. Licensing authority function</p>	<p>Second draft 05/06/09</p>
<p>9.1</p> <p>Licensing authorities are responsible under the Act for:</p> <ul style="list-style-type: none"> • licensing premises where gambling activities are to take place by issuing premises licences • issuing provisional statements • regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits • issuing Club Machine Permits to commercial clubs • granting permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres • receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines • granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required • registering small society lotteries below prescribed thresholds • issuing Prize Gaming Permits • receiving and endorsing Temporary Use Notices • receiving Occasional Use Notices (for tracks) • providing information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of information') • maintaining registers of the permits and 	<p>Licensing authorities are responsible under the Act for:</p> <ul style="list-style-type: none"> • licensing premises where gambling activities are to take place by issuing premises licences • issuing provisional statements • regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits • issuing Club Machine Permits to commercial clubs • granting permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres • receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines • granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required • registering small society lotteries below prescribed thresholds • issuing Prize Gaming Permits • receiving and endorsing Temporary Use Notices • receiving Occasional Use Notices (for tracks) • providing information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of information') • maintaining registers of the permits and
<p>9.1</p>	<p>Licensing authorities are responsible under the Act for:</p> <ul style="list-style-type: none"> • licensing premises where gambling activities are to take place by issuing premises licences • issuing provisional statements • regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits • issuing Club Machine Permits to commercial clubs • granting permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres • receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines • granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required • registering small society lotteries below prescribed thresholds • issuing Prize Gaming Permits • receiving and endorsing Temporary Use Notices • receiving Occasional Use Notices (for tracks) • providing information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of information') • maintaining registers of the permits and
<p>Licensing authorities are responsible under the Act for:</p> <ul style="list-style-type: none"> • licensing premises where gambling activities are to take place by issuing premises licences • issuing provisional statements • regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits • issuing Club Machine Permits to commercial clubs • granting permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres • receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines • granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required • registering small society lotteries below prescribed thresholds • issuing Prize Gaming Permits • receiving and endorsing Temporary Use Notices • receiving Occasional Use Notices (for tracks) • providing information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of information') • maintaining registers of the permits and 	<p>Licensing authorities are responsible under the Act for:</p> <ul style="list-style-type: none"> • licensing premises where gambling activities are to take place by issuing premises licences • issuing provisional statements • regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits • issuing Club Machine Permits to commercial clubs • granting permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres • receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines • granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required • registering small society lotteries below prescribed thresholds • issuing Prize Gaming Permits • receiving and endorsing Temporary Use Notices • receiving Occasional Use Notices (for tracks) • providing information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of information') • maintaining registers of the permits and

	licences that are issued under these functions.		<ul style="list-style-type: none"> providing information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of information') maintaining registers of the permits and licences that are issued under these functions. 	
10. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime				
No major changes				
11. Ensuring that gambling is conducted in a fair and open way				
No major changes				
12. Protecting children and other vulnerable persons from being harmed or exploited by gambling				
12.1	This licensing objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children).	12.1	This licensing objective means preventing children from taking part in most types of gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children).	First draft 27/04/09
12.1	This licensing objective means preventing children from taking part in most types of gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children). The council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.	12.1	This licensing objective means preventing children from taking part in most types of gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children). The council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.	Second draft 05/06/09

12.1	REMOVE	12.1	(as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children)	Final draft 05/10/09
12.1	INSERT	12.2	<p>The Act provides the following definition for child and young adult in Section 45:</p> <p>Meaning of "child" and "young person"</p> <p>(3) In this Act "child" means an individual who is less than 16 years old.</p> <p>(4) In this Act "young person" means an individual who is not a child but who is less than 18 years old.</p> <p>For the purpose of this section protection of children will encompass both child and young person as defined by the Act.</p>	Second draft 05/06/09
12.2	This council will pay particular attention to any codes of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos.	12.3	The council will pay particular attention to any codes of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos.	Second draft 05/06/09
12.3	Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.	12.4	Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.	Second draft 05/06/09
12.4	Protection of vulnerable people 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	12.5	<p>Protection of vulnerable people</p> <p>The council is aware of the difficulty in defining the term "vulnerable person".</p>	Second draft 05/06/09

	beyond their means, elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs. The council will consider this licensing objective on a case by case basis having regard to any guidance issued by the Gambling Commission. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.			
12.5	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 web pages will be prepared in conjunction with these support agencies. In addition the council will also distribute promotional material about these services to a variety of public buildings including all one stop centres, libraries and leisure centres.	DELETE	DELETE	First draft 27/04/09
12.5	While the council acknowledges that it may be difficult for gambling premises staff to identify vulnerable persons, (especially in the case of persons who may have a mental illness) in the first instance the council would expect staff members to try and maintain an awareness of how much (e.g. how long) customers are gambling. If it is perceived that any particular persons may be gambling excessively or are showing other obvious signs of being unwell then further investigation should follow to try and identify if the person may fall within the category of vulnerable.	DELETE	DELETE	Second draft 05/06/09
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	DELETE	DELETE	Second draft 05/06/09

	<p>access information about problem gambling. The council will communicate any concerns to the Gambling Commission about any absence of this required information.</p>			
<p>INSERT</p>	<p>12.6</p>	<p>The Gambling Commission, in its Guidance to Local Authorities, does not seek to offer a definition for the term "vulnerable people" but will, for regulatory purposes assume that this group includes people:</p> <p>"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."</p>	<p>Second draft 05/06/09</p>	
<p>INSERT</p>	<p>12.7</p>	<p>The Department of Health document "No Secrets" offers a definition of a vulnerable adult as a person:</p> <p>"who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation."</p>	<p>Second draft 05/06/09</p>	
<p>INSERT</p>	<p>12.8</p>	<p>In the case of premises licences the council is aware of the extensive requirements set out for operators in the Gambling Commissions Code of Practice. In this document the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:</p> <ul style="list-style-type: none"> • Combating problem gambling • Access to gambling by children and young 	<p>Second draft 05/06/09</p>	

			<p>persons</p> <ul style="list-style-type: none"> • Information on how to gambling responsibly and help for problem gamblers • Customer interaction • Self exclusion • Employment of children and young persons 		
	INSERT	12.9	All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective and determine if these policies and procedures are appropriate in their circumstances. The council will communicate any concerns to the Gambling Commission about any absence of this required information.		Second draft 05/06/09
	INSERT	12.10	Applicants may also like to make reference to Leeds Safeguarding Adults Partnership document entitled "Leeds Multi Agency Safeguarding Adults Policies and Procedures" which provides extensive guidance on identifying vulnerable people and what can be done to reduce risk for this group. This document can be accessed via http://www.leedssafeguardingadults.org.uk		Second draft 05/06/09
12.7	Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example: <ul style="list-style-type: none"> • leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets • training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how 	12.11	Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example: <ul style="list-style-type: none"> • leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets • training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how 		Second draft 05/06/09

12.8	<p>long) customers are gambling, as part of measures to detect persons who may be vulnerable. (see 12.4.1)</p> <ul style="list-style-type: none"> • trained personnel for the purpose of identifying and providing support to vulnerable persons • self exclusion schemes • stickers or notices on gaming machines to identify the stakes/prizes • operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people • Fixed Odds Betting Terminals should clearly display the odds • positioning of ATM machines • stickers / posters with GamCare Helpline and website in prominent locations, i.e. on ATM machines • windows, entrances and advertisements to be positioned or designed not to entice passers by. 	12.12	<p>much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable. (see 12.4.1)</p> <ul style="list-style-type: none"> • trained personnel for the purpose of identifying and providing support to vulnerable persons • self exclusion schemes • stickers or notices on gaming machines to identify the stakes/prizes • operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people • Fixed Odds Betting Terminals should clearly display the odds • positioning of ATM machines • stickers / posters with GamCare Helpline and website in prominent locations, i.e. on ATM machines • windows, entrances and advertisements to be positioned or designed not to entice passers by. <p>It should be noted that some of these measures form part of the mandatory conditions placed on premises licences.</p>	Second draft 05/06/09
12.8	The council may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant.	12.12	The council may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant.	

13. Introduction to Premises Licensing				
	INSERT	13.3	Applicants should also be aware that the Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The council will also have regard to these Codes of Practice.	First draft 27/04/09
13.6	An applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that reference to "the premises" are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued by the council in relation to premises that are ready to be used for gambling. Whether a premises is finished to a degree that it can be considered for a premises licence will always be a question of fact in the circumstances. Requiring a building to be complete ensures that the council can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.	13.7	An applicant cannot obtain a full premises licence until they have the right to occupy the premises to which the application relates.	First draft 27/04/09
13.7	Where a premises is not yet built or is about to be altered for the purpose of providing gambling and ultimately a premises licence will be required, the applicant should in the first instance consider making an application for a provisional statement. (see section 20)	13.8	Where an applicant does not have the right to occupy a premises, the premises is still to be constructed, or the applicant expects the premises to be altered and ultimately a premises licence will be required, the applicant should in the first instance consider making an application for a provisional statement (see section 20).	First draft 27/04/09
13.8	Where an applicant does not have the right to occupy a premises, the premises is still to be constructed, or the applicant expects the premises to be altered and ultimately a premises licence will be required, the		REMOVE and amend numbering for subsequent paragraphs	Final draft 05/10/09

13.10	<p>applicant should in the first instance consider making an application for a provisional statement (see section 20).</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"> • 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. <p>The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. Such evidence may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.</p>	13.9	<p>With regards to these objectives it is the council's policy, upon receipt of any relevant representations to look at specific location issues including:</p> <ul style="list-style-type: none"> • the possible impact a gambling premises may have on any premises that provide services to children or young people, i.e. a school, or vulnerable adult centres in the area • the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children • the size of the premises and the nature of the activities taking place • any levels of organised crime in the area. <p>The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. Such evidence may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.</p>	Second draft 05/06/09
13.18	<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</p>	13.12	<p>The council is aware that the Secretary of State has set mandatory conditions and default conditions and the Gambling Commission has set Licence Conditions and Codes of Practice on Operator's Licences 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</p>	First draft 27/04/09 Final draft 05/10/09

	nature, then any additional licence conditions must relate to the licensing objectives.		matters that have already been dealt with. If the council is minded to do so because there are regulatory concerns of an exceptional nature, then any additional licence conditions must relate to the licensing objectives.	
14. Adult gaming centres and licensed family entertainment centres (LFECs)				
15.	Adult gaming centres and licensed family entertainment centres (LFECs)		Split into two sections: 15. Adult gaming centres 16. Licensed family entertainment centres	First draft 27/04/09 Final draft 05/10/09
16. Casinos				
	INSERT	16.1	Leeds has a number of casinos which were licensed under the Gaming Act 1968, which have been subsequently converted into Gambling Act 2005 Converted Casino Premises Licences.	First draft 27/04/09
15.2	The Gambling Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games whereby casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players.	16.2	The Gambling Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games whereby casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players. Casinos can also provide equal chance gaming and gaming machines. Large and small casinos can also provide betting machines.	Final draft 05/10/09
15.3	The Gambling Commission has issued further guidance 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	16.3	The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The council will take this into consideration when	Final draft 05/10/09

	considered when determining licence applications for converted casino licences.		determining licence applications for converted casino licences.	
15.4	Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Codes of Practice or by the applicant, the council may consider licence conditions to cover certain issues, examples of which are provided at paragraph 13.15.	16.4	Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Licence Conditions and Codes of Practice or by the applicant, the council may consider licence conditions to cover certain issues, examples of which are provided at paragraph 13.15.	Final draft 05/10/09
15.5	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.		REMOVE and alter subsequent numbering	Final draft 05/10/09
15.5	Large Casino Bid – The Act introduces three new categories of larger casino, one super/regional casino, eight large casinos and eight small casinos. Leeds City Council submitted a proposal for one large casino, to the Independent Casinos Advisory Panel (CAP). In the event that Leeds is successful in its bid to the CAP and is given consent to be able to grant a large casino licence the council will carry out a competitive bidding exercise. More information about this process can be found in Part F of this document.	16.6	Large Casino The Act introduces three new categories of larger casino; one regional casino, eight large casinos and eight small casinos. On 15 th May 2008 the Categories of Casino Regulations 2008 and the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 were approved. This specified which Licensing Authorities could issue premises licences for both large and small casinos. Leeds City Council was one of the Licensing Authorities that was authorised to issue a large	First draft 27/04/09

			Casino Premises Licence.	
	All other parts of part 16 deleted	16.7	The Council is currently putting arrangements in place to hold the competition for the Large Casino Premises Licence. The statement of principles for the large casino process will be consulted upon during 2010 with a view to run the competition at some point after that.	First draft 27/04/09
17. Bingo Premises				
17.3	The Gambling Commission has issued 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.	17.3	The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The council will take this into consideration when determining licence applications for bingo premises.	Final draft 05/10/09
18. Betting Premises				
No major changes				
19. Tracks				
19.9	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.		DELETE	Final draft 05/10/09
20. Travelling Fairs				
No major changes				

21. Provisional Statements				
20.1	<p>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.</p>	21.1	<p>A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which he expects to be constructed, to be altered or to acquire a right to occupy would be granted a premises licence. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so the developer can judge whether a development is worth taking forward in light of the need to obtain a premises licence. An applicant may also apply for a provisional statement for premises which already hold a premises licence (either for a different type of gambling or the same type).</p>	First draft 27/04/09
22. Unlicensed family entertainment centre gaming machine permits (UFECs)				
21.3	<p>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>	22.3	<p>In line with the above provision the council has prepared a 'Statement of Principles' in relation to unlicensed family entertainment centre gaming machines as follows:</p>	First draft 27/04/09
INSERT	INSERT	22.4	<p>Statement of Principles</p> <p>The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.</p>	First draft 27/04/09

	INSERT	22.5	<p>The efficiency of such policies and procedures will each be considered on their merits, however, they may include:</p> <ul style="list-style-type: none"> • appropriate measures and training for staff as regards suspected truant children on the premises • measures and training covering how staff would deal with unsupervised very young children being on the premises • measures and training covering how staff would deal with children causing perceived problems on or around the premises. • the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the latest Home Office and ACPO standards and to the satisfaction of West Yorkshire Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation. 	First draft 27/04/09
	INSERT	22.6	<p>Applicants who provide staff to supervise these premises may wish to consider performing CRB checks on staff that may be in regular and prolonged contact with children and vulnerable people.</p>	First draft 27/04/09
22.6	Applicants who provide staff to supervise these premises may wish to consider performing CRB checks on staff that may be in regular and prolonged contact with children and vulnerable people.	22.6	<p>Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be CRB checked.</p>	Second draft 05/06/09

	INSERT	22.7	<p>The council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:</p> <ul style="list-style-type: none"> • A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs • That the applicant has no relevant conviction (those that are set out in Schedule 7 of the Act), and • That staff are trained to have a full understanding of the maximum stakes and prizes. 	First draft 27/04/09
23. Gaming machine permits in alcohol licensed premises				
23.8	INSERT	23.8	Alcohol licensed premises are able to provide some limited equal chance gaming. Licensees are referred to the advice provided by the Gambling Commission and Appendix 3 of this document.	Final draft 05/10/09
24. Prize Gaming Permits				
23.4	In line with the above provision the council has prepared a 'Statement of Principles' document which explains the various issues the council will assess in order to determine the suitability of an applicant for a permit. This includes child protection issues. All applicants should review this document before submitting an application for a prize gaming permit so they can tailor their application accordingly.	24.4	In line with the above provision the council has prepared a Statement of Principles in relation to prize gaming permits as follows:	First draft 27/04/09
	INSERT	24.5	<p>Statement of Principles</p> <p>The council will expect the applicant to show that here are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child</p>	First draft 27/04/09

			protection considerations.		First draft 27/04/09
INSERT	24.6		<p>The efficiency of such policies and procedures will each be considered on their merits, however, they may include:</p> <ul style="list-style-type: none"> • appropriate measures and training for staff as regards suspected truant children on the premises • measures and training covering how staff would deal with unsupervised very young children being on the premises • measures and training covering how staff would deal with children causing perceived problems on or around the premises. • the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the Home Office and ACPO standards as described PSDB leaflet 09/05 and to the satisfaction of West Yorkshire Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation. 		First draft 27/04/09
INSERT	24.7		<p>Applicants who provide staff to supervise these premises may wish to consider performing CRB checks on staff that may be in regular and prolonged contact with children and vulnerable people.</p>		First draft 27/04/09
INSERT	24.8		<p>The council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:</p> <ul style="list-style-type: none"> • A full understanding of the maximum stakes and 		First draft 27/04/09

				<ul style="list-style-type: none"> prizes of the gambling that is permissible That the gaming offered is within the law. 	
25. Club gaming and club machine permits					
25.1	Members clubs and miners' welfare institutes may apply for a 'club gaming permit' or a 'club machine permit'. The 'club gaming permit' will enable the premises to provide gaming machines (three B4, C or D), equal chance gaming and games of chance as set out in forthcoming regulations.	25.1	Members clubs and miners' welfare institutes may apply for a 'club gaming permit' or a 'club machine permit'. The 'club gaming permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D), and unrestricted equal chance gaming, i.e. poker, bingo.	Final draft 05/10/09	
25.2	To qualify for these special club permits a members club must have at least 25 members and be 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.	25.2	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.	Final draft 05/10/09	
	INSERT	25.3	Clubs must have regard to the protection of children and vulnerable persons from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines. These measures may include: <ul style="list-style-type: none"> the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised notices and signage the provision of information leaflets / helpline numbers for organisations such as GamCare. 	First draft 27/04/09	
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		DELETE	First draft 27/04/09	

	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.			DELETE	First draft 27/04/09
24.7	Applicants who provide staff to supervise these premises may wish to consider performing CRB checks on staff that may be in regular and prolonged contact with children and vulnerable people.	24.7		Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be CRB checked.	Second draft 05/06/09
26. Temporary Use Notices					
	INSERT	26.2		Temporary Use Notices allow the use of premises for any form of equal chance gambling where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner.	First draft 27/04/09
26.3	REMOVE	26.3		For example, the holder of a casino operating licence could apply for a temporary use notice to provide casino games at a hotel	Final draft 05/10/09
27. Occasional Use Notice (for tracks)					
27.1	The application may be made in writing, to the council by an existing operator who holds an operating licence issued by the gambling Commission.	27.1		The application may be made in writing, to the council by the person responsible for the administration of events on the track or by an occupier of the track.	Final draft 05/10/09

28. Small Society Lotteries			
No major changes			
29 Enforcement principles			
No major changes			
30. Reviews			
No major changes			
Large casino bid			
Entire section deleted. This information is still to be determined and will be consulted upon separately.			
Appendix 1 – Gaming Machines			
INSERT		Changes include addition of additional category D machine examples and B3A machines.	First draft 27/04/09
INSERT		It should be noted that member’s clubs and miner’s welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.	Second draft 05/06/09
Appendix 2 - Glossary			
Additional definitions for additional category D machine examples, i.e. Penny pushers.			
Appendix 3 – Summary of gaming entitlements for clubs and pubs			
New appendix describing exempt gaming in pubs and clubs.			

Statement of Licensing Policy 2010 – 2013

Gambling Act 2005

Further copies of this document can be obtained from:

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Final draft	SCH	05/10/09

Please note:

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

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Executive Summary

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

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

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

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

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

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

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

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

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

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

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

1. The licensing objectives

- 1.1 Under the Gambling Act 2005 (the Act) Leeds City Council is the licensing authority for the Leeds district and licences premises for gambling activities as well as granting various other gambling permits. In this document unless otherwise stated any references to the council are to the Leeds Licensing Authority.
- 1.2 The council will carry out its functions under the Act with a view to aiming to permit the use of premises for gambling in so far as it is reasonably consistent with the three licensing objectives set out at Section 1 of the Act. The licensing objectives are:
 - preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - ensuring that gambling is conducted in a fair and open way
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.3 More information can be found about how the council will achieve this in Part B and C of this document.
- 1.4 The council will 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 is:
 - in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant guidance issued by the Gambling Commission
 - reasonably consistent with the licensing objectives and
 - in accordance with this document.

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 development. The close proximity of a range of land uses and the creation of mixed-use schemes has many benefits including the creation of a vibrant 24-hour city. Leeds City Council has a policy promoting mixed use development including residential and evening uses throughout the city centre.
- 2.4 Leeds has strong artistic 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.

- representatives of existing licence holders
- Yorkshire Forward (the regional development agency)
- Yorkshire Culture
- Leeds Citizens Advice Bureau
- Primary Care Trusts
- Her Majesty's Revenue and Customs
- West Yorkshire Fire and Rescue Service
- Faith Groups within the Leeds district
- Department of Neighbourhoods & Housing, Environmental Health Services
- Leeds City Council Development Department
- Leeds Initiative

3.3 The consultation took place between August and October 2009 and followed the Better Regulation Executive Code of Practice on Consultation published in July 2008 and available from their website:

www.bre.brr.gov.uk

3.4 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 xxx November 2009.

4. The licensing framework

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

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. Leeds Safeguarding Children Board has produced a "West Yorkshire Consortium Procedures Manual which can be found at <http://www.procedures.leedslscb.org.uk>. Applicants may find this manual useful as a point of reference, a guide for good practice and the mechanism by which to make a referral to Social Care etc, when producing their own policies and procedures in relation to the objective of protection of children and vulnerable people.
- 6.4 The contact details of all the responsible authorities under the Gambling Act 2005 are:

The Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Tel: 0121 230 6666
Fax: 0121 233 1096
info@gamblingcommission.gov.uk

West Yorkshire Police
Robert Patterson
Leeds District Licensing Officer
Millgarth Police Station
Leeds
LS2 7HX

T: 0113 241 4023

Leeds Safe Guarding Children Board
Merrion House
110 Merrion Centre
Leeds
LS2 8QB

T: 0113 247 8543
administrator@leedslscb.org.uk

West Yorkshire Fire and Rescue Service
District Fire Safety Officer
Leeds Fire Station
Kirkstall Road
Leeds
LS3 1NF

T: 0113 244 0302

Leeds City Council
Planning and Development Services
The Leonardo Building
2 Rossington Street
Leeds, LS2 8HD

Leeds City Council
Environmental Health Services
Millshaw Office
Millshaw Park Way
Churwell
Leeds
LS11 0LS

T: 0113 247 6026

HM Revenue and Customs
National Registration Unit
Portcullis House
21 India Street
Glasgow
G2 4PZ

T: 0141 555 3633
nrubetting&gaming@hmrc.gsi.gov.uk

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:

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

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

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, 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
- 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 operator 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 operator licences. The council's main role is to try and promote this area with regard actual premises. Thus, where an area has known high levels of organised crime the council will consider carefully whether gambling premises are suitable to be located there (see paragraph 13.8 and 13.9) and whether conditions may be required such as the provision of door supervision (see paragraph 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 However the council will familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice.
- 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 most types of gambling. The council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.
- 12.2 The Act provides the following definition for child and young adult in Section 45:

Meaning of "child" and "young person"

- (1) In this Act "child" means an individual who is less than 16 years old.
- (2) In this Act "young person" means an individual who is not a child but who is less than 18 years old.

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

- 12.3 The council will pay particular attention to any codes of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos.
- 12.4 Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

Protection of vulnerable people

- 12.5 The council is aware of the difficulty in defining the term "vulnerable person".
- 12.6 The Gambling Commission, in its Guidance to Local Authorities, does not seek to offer a definition for the term "vulnerable people" but will, for regulatory purposes assume that this group includes people:

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

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

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

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

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

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

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

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

- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets
- training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are

gambling, as part of measures to detect persons who may be vulnerable. (see 12.4.1)

- trained personnel for the purpose of identifying and providing support to vulnerable persons
- self exclusion schemes
- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- posters with GamCare Helpline and website in prominent locations
- windows, entrances and advertisements to be positioned or designed not to entice passers by.

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

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

13. 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 are subject to the permissions/restrictions set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach other conditions, where it is believed to be necessary and proportionate. (see 13.18)
- 13.3 Applicants should also be aware that the Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The council will also have regard to these Codes of Practice.

Definition of "premises"

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

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 premises that provide services to children or young people, i.e. a school, or vulnerable adult centres in the area
- the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children
- 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 The council is aware that the Secretary of State has set mandatory conditions and default conditions and the Gambling Commission has set Licence Conditions and Codes of Practice on Operator's Licences 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 are regulatory concerns of an exceptional nature, then any additional licence conditions must relate to the licensing objectives.
- 13.13 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.
- 13.14 Any conditions attached to a licence issued by the council will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility
 - directly related to the premises and the type of licence applied for, and/or related to the area where the premises is based
 - fairly and reasonably related to the scale, type and location of premises
 - consistent with the licensing objectives, and
 - reasonable in all other respects.
- 13.15 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.

13.16 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.

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

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

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

Door supervision

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

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.

14.2 Under the Act a premises holding an adult gaming centre licence will be able to make category B, C and D gaming machines available and no one under 18 will be permitted to enter such premises (see Appendix 1).

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

15. Licensed family entertainment centres (FECs)

- 15.1 Licensed family entertainment centres are those premises which usually provide a range of amusements such as computer games, penny pushers and may have a separate section set aside for adult only gaming machines with higher stakes and prizes. Licensed family entertainment centres will be able to make available unlimited category C and D machines where there is clear segregation in place so children do not access the areas where the category C machines are located (see Appendix 1).
- 15.2 Where category C or above machines are available in premises to which children are admitted then the council will ensure that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least 1 meter high
 - only adults are admitted to the area where the machines (category C) are located
 - access to the area where the machines are located is supervised at all times
 - the area where the machines are located is arranged so that it can be observed by staff; and
 - at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 15.3 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 adult only gaming machine areas.
- 15.4 The council will refer to the Commission's website to familiarise itself with any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The council will also make itself aware of the mandatory or default conditions and any Gambling Commission Codes of Practice on these premises licences.

16. Casinos

- 16.1 Leeds has a number of casinos which were licensed under the Gaming Act 1968, which have been subsequently converted into Gambling Act 2005 Converted Casino Premises Licences.
- 16.2 The Gambling Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games whereby casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players. Casinos can also provide equal chance gaming and gaming machines. Large and small casinos can also provide betting machines.

Licence considerations / conditions

- 16.3 The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The council will take this into consideration when determining licence applications for converted casino licences.
- 16.4 Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Licence Conditions and Codes of Practice or by the applicant, the council may consider licence conditions to cover certain issues, examples of which are provided at paragraph 13.15.

Large Casino

- 16.5 The Act introduces three new categories of larger casino; one regional casino, eight large casinos and eight small casinos. On 15th May 2008 the Categories of Casino Regulations 2008 and the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 were approved. This specified which Licensing Authorities could issue premises licences for both large and small casinos. Leeds City Council was one of the Licensing Authorities that was authorised to issue a large Casino Premises Licence.
- 16.6 The Council is currently putting arrangements in place to hold the competition for the Large Casino Premises Licence. The statement of principles for the large casino process will be consulted upon during 2010 with a view to run the competition at some point after that.

17. Bingo premises

- 17.1 There is no official definition for bingo in the Gambling Act 2005 however from a licensing point of view there is a category of premises licence specifically for bingo premises which is used by traditional commercial bingo halls for both cash and prize bingo. In addition this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act. (see Appendix 1)
- 17.2 The council is aware that it is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted then the council will ensure that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least one meter high
 - only adults are admitted to the area where the machines are located
 - access to the area where the machines are located is supervised at all times
 - the area where the machines are located is arranged so that it can be observed by staff
 - at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18
 - children will not be admitted to bingo premises unless accompanied by an adult.
- 17.3 The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The council

will take this into consideration when determining licence applications for bingo premises.

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

18. Betting premises

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

Betting machines

- 18.2 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.
- 18.3 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 paragraph 12.7.
- 18.4 Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Code of Practice or the applicant, the council may consider licence conditions to address such issues, examples of which are provided at paragraph 13.15.

19. Tracks

- 19.1 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.
- 19.2 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.
- 19.3 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.

- 19.4 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.
- 19.5 Gambling Commission guidance also indicates that it would be possible for other types of gambling premises to be located at a track under the authorisation of separate premises licences, e.g. a casino premises licence or adult gaming centre premises licence. If you require further guidance on this provision please contact the Entertainment Licensing Section.
- 19.6 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.
- 19.7 The council will consider the impact upon the protection of children licensing objective and the need to ensure that entrances to each type of betting premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

Betting machines

- 19.8 The council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other things, will take into account the size of the premises, the number of counter positions available for person-to-person transactions and the location of the machines, in order to ensure they are in a properly segregated area where children are not permitted.
- 19.9 Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission's Licence Conditions and Code of Practice or the applicant, the council may consider licence conditions to address such issues, examples of which are provided at paragraph 13.15.

20. Travelling fairs

- 20.1 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.
- 20.2 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)
- 20.3 The council will consider whether any fairs which take up the above entitlement fall within the statutory definition of a travelling fair.
- 20.4 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.

21. Provisional statements

- 21.1 A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which he expects to be constructed, to be altered or to acquire a right to occupy would be granted a premises licence. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so the developer can judge whether a development is worth taking forward in light of the need to obtain a premises licence. An applicant may also apply for a provisional statement for premises which already hold a premises licence (either for a different type of gambling or the same type).
- 21.2 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.
- 21.3 When determining a provisional statement application the council will operate in accordance with the Act and will not have regard to any issues related to planning consent or building regulations, e.g. the likelihood that planning consent will be granted.

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

- 22.1 The term 'unlicensed family entertainment centre' is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements such as computer games and penny pushers. The premises is 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide category D machines. It should not be confused with a 'licensed family entertainment centre' which requires a premises licence because it contains both category C and D gaming machines.
- 22.2 The Gambling Act 2005 contains provision for local authorities to prepare a "Statement of Principles" that they propose to consider in determining the suitability of an applicant for a permit. Schedule 10, Para 7 of the Act states "In preparing this statement, and/or considering applications, it [the council] need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25.
- 22.3 In line with the above provision the council has prepared a 'Statement of Principles' in relation to unlicensed family entertainment centre gaming machines as follows:

Statement of Principles

- 22.4 The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.
- 22.5 The efficiency of such policies and procedures will each be considered on their merits, however, they may include:
- appropriate measures and training for staff as regards suspected truant children on the premises
 - measures and training covering how staff would deal with unsupervised very young children being on the premises
 - measures and training covering how staff would deal with children causing perceived problems on or around the premises.
 - the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the latest Home Office and ACPO standards and to the satisfaction of West Yorkshire Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.
- 22.6 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be CRB checked.
- 22.7 The council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECS
 - That the applicant has no relevant conviction (those that are set out in Schedule 7 of the Act), and
 - That staff are trained to have a full understanding of the maximum stakes and prizes.

- 22.8 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in the "Statement of Principles" have been addressed through the application.
- 22.9 Applicants only need to address the "Statement of Principles" when making their initial applications and not at renewal time.

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

- 23.1 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.
- 23.2 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 children and young people under the age of 18 do not have access to the adult only gaming machines.
- 23.3 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.
- 23.4 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.
- 23.5 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.
- 23.6 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).
- 23.7 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.

23.8 Alcohol licensed premises are able to provide some limited equal chance gaming. Licensees are referred to the advice provided by the Gambling Commission and Appendix 3 of this document.

24. Prize gaming permits

24.1 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.

24.2 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.

24.3 The Gambling Act 2005 contains provision for local authorities to prepare a "Statement of Principles" that they propose to consider in determining the suitability of an applicant for a permit. Schedule 14, Para 8 of the Act states, "in preparing this statement, and/or considering applications, it [the council] need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25.

24.4 In line with the above provision the council has prepared a Statement of Principles in relation to prize gaming permits as follows:

Statement of Principles

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

24.6 The efficiency of such policies and procedures will each be considered on their merits, however, they may include:

- appropriate measures and training for staff as regards suspected truant children on the premises
- measures and training covering how staff would deal with unsupervised very young children being on the premises
- measures and training covering how staff would deal with children causing perceived problems on or around the premises.
- the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the Home Office and ACPO standards as described PSDB leaflet 09/05 and to the satisfaction of West Yorkshire Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.

24.7 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be CRB checked.

24.8 The council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible
- That the gaming offered is within the law.

- 24.9 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in the "Statement of Principles" have been addressed through the application.
- 24.10 Applicants only need to address the "Statement of Principles" when making their initial applications and not at renewal time.
- 24.11 There are conditions in the Gambling Act 2005 by which the permit holder must comply. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

25. Club gaming and club machine permits

- 25.1 Members clubs and miners' welfare institutes may apply for a 'club gaming permit' or a 'club machine permit'. The 'club gaming permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D), equal chance gaming. i.e. poker, bingo etc. A 'club machine permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D). Commercial clubs may apply for a 'club machine permit' only.
- 25.2 To qualify for these special club permits a members club must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.
- 25.3 Clubs must have regard to the protection of children and vulnerable persons from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines. These measures may include:
- the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised
 - notices and signage
 - the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 25.4 Before granting the permit the council will need to satisfy itself that the premises meets the requirements of a members' club and that the majority of members are over 18.
- 25.5 The council may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which they have applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young 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.

25.6 There is also a 'fast-track' procedure available for premises which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which the council can refuse a permit is reduced. The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming,
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

26. Temporary use notices

26.1 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.

26.2 Temporary Use Notices allow the use of premises for any form of equal chance gambling where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner.

26.3 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.

26.4 A temporary use notice must be lodged with the licensing authority not less than three months and one day before the day on which the gambling is due to take place. Detailed information about how to serve a temporary use notice will be available in a separate guidance note.

26.5 The Act makes a special reference, in the context of temporary use notices, to a "set of premises" to try and ensure that large premises which cannot reasonably be viewed as separate are not used for more temporary use notices than permitted under the Act. The council considers that the determination of what constitutes "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a "set of premises", the council will look at, amongst other things, the ownership/occupation and control of the premises. The council will be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

27. Occasional use notices (for tracks)

27.1 There is a special provision in the Act which provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Track operators and occupiers need to be aware that the procedure for applying for an occasional use notice is different to that for a temporary use notice. The application may be made in writing, to the council by the person responsible for the administration of the events on a track or by an occupier of the track.

27.2 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.

28. Small society lottery registrations

- 28.1 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.
- 28.2 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.
- 28.3 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.
- 28.4 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.
- 28.5 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.
- 28.6 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.
- 28.7 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.

29. Enforcement principles

- 29.1 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.
- 29.2 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.
- 29.3 The council will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 29.4 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.
- 29.5 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.
- 29.6 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.
- 29.7 The council's enforcement/compliance protocols/written agreements will be available upon request.

30. Reviews

30.1 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.

30.2 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 or suspend the licence, or is substantially the same as previous representations or requests for review.

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

Appendix 1 Gaming machines

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

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

Category of machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£2	£4,000
¹ B2	£100	£500
B3	£1	£500
B3A	£1	£500
B4	£1	£250
C	£1	£70
D – non-money prize (other than a crane grab machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D – money prize	10p	£5
D – combined money and non money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	10p	£15 (of which no more than £8 may be a money prize)

Table 1

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.

(Appendix 1 continued)

Premises Type	Machine category						
	A	B1	B2	B3	B4	C	D
Large casino (machine/ table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act Casinos (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks operated by pool betting			Maximum of 4 machines categories B2 to D				
Bingo Premises				Maximum of 8 machines in category B3 or B4		No limit C or D machines	
Adult gaming centre				Maximum of 4 machines in category B3 or 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 B3A or B4 to D*			
Qualifying alcohol licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises with gaming machine permit						Number of category C- D machines as specified on permit	
Travelling fair							No limit on category D machines
	A	B1	B2	B3	B4	C	D

Table 2

*It should be noted that member's clubs and miner's welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

Appendix 2 Glossary of terms

Term	Description
ATM	Auto teller machine or cash machine.
Betting	Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not and likewise whether one person knows the outcome or not. (Spread betting is not included within this definition).
Betting Machines / Bet Receipt Terminal	Betting Machines can be described as automated betting terminals where people can place bets on sporting events removing the need to queue up and place a bet over the counter.
Bingo	There are essentially two types of bingo: Cash bingo, where the stakes paid make up the cash prizes that can be won and Prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.
Book	Running a 'book' is the act of quoting odds and accepting bets on an event. Hence the term 'Bookmaker'.
Casino games	A game of chance, which is not equal chance gaming. Casino games includes Roulette and black jack etc.
Chip	Casinos in the U.K require you to use chips to denote money. They are usually purchased and exchanged at a cashier's booth.
Coin pusher or penny falls machine	A machine of the kind which is neither a money prize machine nor a non-money prize machine
Crane grab machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.
Default condition	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"> preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to

Term	Description
	<p>support crime</p> <ul style="list-style-type: none"> • ensuring that gambling is conducted in a fair and open way • protecting children and other vulnerable persons from being harmed or exploited by gambling.
Lottery	<p>A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part. A lottery is defined as either a simple lottery or a complex lottery. A simple lottery is one where 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).</p>
Mandatory condition	<p>A condition which will be set by the Secretary of State (some set out in the Act and some to be prescribed by regulations) which will be automatically attached to a specific type of premises licence. The council will have no discretion to alter or remove these conditions.</p>
Money prize machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a money prize.</p>
Non-money prize machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by:</p> <p>(i) the position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or</p> <p>(ii) if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.</p>
Odds	<p>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.</p>
Off-course betting operator	<p>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.</p>
On-course betting operator	<p>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).</p>
Pool Betting	<p>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</p>

Term	Description
	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, e.g. during a designated notice period.
Responsible authority (authorities)	Responsible authorities (RAs) are agencies which have been appointed by the Gambling Act or regulations to fulfil a designated role during the licensing process. RAs must be sent copies of all licensing applications and have the power to make representations about such applications. RAs also have the power to ask for licences to be reviewed. For Leeds the RAs include West Yorkshire Police, The local Safeguarding Children Board, Leeds City Council's Development Department as well as several others.
Skill machine / Skill with prizes machine	The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.
Spread betting	A form of investing which is more akin to betting, and can be applied either to sporting events or to the financial markets. Spread betting is regulated by the Financial Services Authority.
Stake	The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house where the house could be a gaming machine.
Statement of principles document	A document prepared by the council which outlines the areas that applicants need to consider before applying for gaming permits.
Table gaming	Card games played in casinos.
Tote	"Tote" is short for Totaliser, a system introduced to Britain in 1929 to offer pool betting on racecourses.
Track	Tracks are sites (including horse tracks and dog tracks) where races or other sporting events take place. Examples of tracks within the Leeds district would be Elland Road Football ground and Headingley Stadium.

Appendix 3 Summary of gaming entitlements for clubs and pubs

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

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

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Report of the Head of Scrutiny and Member Development

Scrutiny Board (Central & Corporate Functions)

Date: 2nd November 2009

**Subject: Scrutiny Board (Central & Corporate Functions) – Work Programme,
Executive Board Minutes and Forward Plan of Key Decisions**

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 INTRODUCTION

- 1.1 Attached as Appendix 1 is the current Work Programme for this Scrutiny Board. This has been amended to take into account discussions held at the last meeting.
- 1.2 Attached as Appendix 2 and 3 respectively are the Executive Board minutes from 14th October 2009 and the Council's current Forward Plan relating to this Board's portfolio.

2.0 RECOMMENDATIONS

- 2.1 Members are asked to;
- (i) Note the Executive Board minutes and Forward Plan
 - (ii) Agree the Board's work programme.

Background Papers

None used

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SCRUTINY BOARD (CENTRAL & CORPORATE FUNCTIONS) - LAST REVISED OCTOBER 2009

ITEM	DESCRIPTION	NOTES	TYPE OF ITEM
Suggested Areas for Scrutiny Currently Unscheduled			
Corporate Call Centre Performance			
Corporate approach to efficiency savings			
Carbon Trading			
Services to Disabled Groups			
EASEL - Contract			
Decision making and Consultation			
Information Management			

ITEM	DESCRIPTION	NOTES	TYPE OF ITEM
Meeting date: 2nd November 2009			
Request for Scrutiny	Bye-laws on Woodhouse Moor		PR
Review Process for the Gambling Act 2005 – Statement of Licensing Policy	Budget and Policy Framework - Consultation		PR
CIPFA Treasury Management Panel and the CLG Select Committee	Referred by Executive Board		B
Meeting date: 7th December 2009			
Questions to the	Opportunity to discuss issues relating to		B

SCRUTINY BOARD (CENTRAL & CORPORATE FUNCTIONS) - LAST REVISED OCTOBER 2009

ITEM	DESCRIPTION	NOTES	TYPE OF ITEM
Executive Board Member (Central & Corporate)	Cllr Brett's portfolio.		
Scrutiny of the Budget	To receive and consider quarter 2 financial report.		PM
Quarterly Accountability Reports	To receive quarter 2 performance reports		PM
Scrutiny Inquiry – Use of Consultants	To undertake Session Two of this Inquiry		PR
Meeting date: 4th January 2010			
Scrutiny of the Budget	To receive budget proposals under the budget and policy framework rules		
Meeting date: 1st February 2010			
Scrutiny of the Budget	To receive and consider quarter 3 financial report.		PM
Communications and Plain English	To receive an update on the progress of various communication initiatives		PR
Meeting date: 1st March 2010			
Scrutiny of the Budget	To receive and consider quarter 3 financial report.		PM
Recommendation Tracking	To monitor progress on meeting the recommendations agreed following Inquiries into; Member Management, Attendance		MSR

SCRUTINY BOARD (CENTRAL & CORPORATE FUNCTIONS) - LAST REVISED OCTOBER 2009

ITEM	DESCRIPTION	NOTES	TYPE OF ITEM
	Management & Procurement of Services		
Quarterly Accountability Reports	To receive quarter 3 performance reports		PM
Meeting date: 29th April 2010			
Annual Report			
Translation and Interpretation Services	To receive an update on the implementation and consequences of new budget arrangements.		PR

Key:

CCFA / RFS – Councillor call for action / request for scrutiny

RP – Review of existing policy

DP – Development of new policy

MSR – Monitoring scrutiny recommendations

PM – Performance management

B – Briefings (Including potential areas for scrutiny)

SC – Statutory consultation

CI – Call in

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EXECUTIVE BOARD

WEDNESDAY, 14TH OCTOBER, 2009

PRESENT: Councillor R Brett in the Chair

Councillors A Carter, J L Carter,
R Finnigan, S Golton, R Harker, P Harrand,
J Procter, K Wakefield and J Monaghan

Councillor R Lewis - Non-voting advisory member

88 Exclusion of the Public

RESOLVED – That the public be excluded from the meeting during consideration of the following parts of the agenda designated as exemption the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information so designated as follows:-

- (a) Appendix 4 to the report referred to in minute 94 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that it is considered that it is not in the public interest to disclose this information at this point in time as it could undermine the method of disposal, should that come about, and affect the integrity of disposing of the property/site. Also it is considered that that the release of such information would or would be likely to prejudice the Council's commercial interests in relation to this or other similar transactions in that prospective purchasers of this or other similar properties would have information about the nature and level of consideration which may prove acceptable to the Council. It is considered that whilst there may be a public interest in disclosure, much of this information will be publicly available from the Land Registry following completion of any transaction and consequently the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time.
- (b) Appendix 1 to the report referred to in minute 106 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the public interest in maintaining the exemption outweighs the public interest in disclosure in that the appendix, and the Outline Business Case, include commercial information where publication could be prejudicial to the Council's interests.
- (c) The appendix to the report referred to in minute 99 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the public interest in disclosing the alternative funding strategy outlined in the appendix could be prejudicial to the Council's ability to finalise the

funding plans for the scheme and would therefore outweigh the public interest in disclosure of the information.

89 Late Item

A late item on the subject of Yorkshire Forward funding for the Leeds Arena had been admitted to the agenda as a late item as a result of emerging information which required that the Board consider possible alternative funding arrangements in relation to the Arena development. If these matters were not considered at this meeting delays in the programme already commenced could result which would be detrimental to the scheme.

90 Declaration of Interests

Councillor A Carter declared a personal interest in the item relating to the New Generation Transport Scheme (minute 101) as a member of the Regional Transport Panel.

Councillor Wakefield declared a personal interest in the items relating to Special Educational Needs (minute 95), The National Challenge and structural change to secondary provision (minute 96) and the September 2009 school admissions round (minute 105) as a school and Leeds College governor (Councillor Wakefield declared an interest in the same terms during the discussion under minute 93).

91 Minutes

RESOLVED –

(a) That the minutes of the meetings held on 26th August and 17th September 2009 be approved.

(b) That in receiving the minutes the Board noted that the four members referred to in the minute of 17th September had met on 1st October and received a paper on matters which had been agreed within the terms indicated by the Board and that consequently those members had authorised officers to proceed to conclude the transaction.

(c) That it be also noted that the Chair had agreed that a verbal update be received in the private part of the meeting with regard to the matters referred to in (b) above. Such verbal report to be exempt in the terms previously agreed for this matter and the imminence of the conclusion of the transaction being the reason for admission of the item.

NEIGHBOURHOODS AND HOUSING

92 Reform of Council Housing Finance - Leeds City Council's response to the CLG consultation paper

The Director of Environment and Neighbourhoods submitted a report on the Council's response to the Department for Communities and Local Government's consultation paper.

RESOLVED - That proposed response to the Governments consultation paper "Reform of council housing finance" be approved in accordance with the submitted report.

93 **Bangladeshi Community Centre: Community Asset Transfer**

The Director of Environment and Neighbourhoods submitted a report on the outcome of discussions which had taken place with the Bangladeshi Management Committee over a number of months in relation to the possible transfer to the Committee of the Bangladeshi Community Centre on a 50 year Full Repair and Insurance lease at less than best consideration.

RESOLVED –

(a) That approval be given to the principle of a fifty year lease for the Bangladeshi Community Centre at peppercorn rent to the Bangladeshi Management Committee to operate the premises as community facility for the benefit of the local residents.

(b) That the Director of City Development be authorised to approve the detailed terms and conditions of the lease.

(During the discussion of this item Councillor Wakefield declared a personal interest as a school and Leeds College governor).

DEVELOPMENT AND REGENERATION

94 **The Former Royal Park Primary School**

The Director of City Development submitted a report on the current position with regard to the former Royal Park Primary School and on the preferred options for the future.

The report identified the following six possible options:

- i Traditional marketing of the refurbishment opportunity
- ii Convert to Council use
- iii Deal exclusively with one interested party or invite best and final offers
- iv Community Asset Transfer
- v Disposal by way of auction
- vi Immediate demolition of the main school buildings and the retention of the site until such time as the property market improves

Following consideration of Appendix 4 to the report designated as exempt under Access to Information Procedure Rule 10.4(3) which was considered in private at the conclusion to the meeting it was

RESOLVED –

(a) That the withdrawal of the preferred developer be noted.

(b) That the decision made at the meeting held on 22nd August 2007 be rescinded.

(c) That this Board declines the Royal Park Community Consortium's request that no action be taken for a period of six months to allow the consortium time to develop funding applications which might, subsequently, lead to the lease or transfer of the ownership of the property.

(d) That this Board notes the negotiations that have taken place with the two organisations seeking to acquire the property, at market value, and refurbish it for subsequent use, instructs that the Director of City Development invites unconditional best and final financial offers from these two organisations in accordance with the terms of the report including business plans illustrating the ability of the bidder to guarantee the long term sustainability of the building, the latter representing 30% of the marks in any assessment, notwithstanding the outcome of any assessment, the bidders be advised that the Council will be under no obligation to accept either of the offers and that the purchaser must demonstrate the financial capacity not only for the purchase but also to address the very substantial cost of the refurbishment that would be required.

(e) That the decision at (d) above shall not preclude the consideration of a bid from another party submitted in the same terms as those detailed above.

CHILDREN'S SERVICES

95 The Development of Specialist Provision and Support for Special Educational Needs in Learning Environments - A Discussion Document

The Chief Executive of Education Leeds submitted a report providing an overview of the recent activity undertaken as part of the Leeds Inclusive Learning Strategy and introducing a new discussion document and accompanying appendices aimed at progressing the strategy.

RESOLVED –

(a) That current and ongoing discussions with partners, stakeholders and parent/carers during the Autumn Term 2009 on the discussion document be noted and approved.

(b) That the developmental priorities and emerging Action Plan for 2009/10 be noted.

96 The National Challenge and Structural Change to Secondary Provision in Leeds

Further to minute 217 of the meeting held on 4th March 2009 the Chief Executive of Education Leeds submitted a report presenting options and recommendations for delivering the next phase in structuring secondary provision in Leeds, and in particular, the response to the Government's National Challenge initiative.

Members also had before them a letter from the NUT, NASUWT and ATL trade unions regarding the same matter

RESOLVED – That the proposals detailed in section 5.2 of the submitted report be adopted.

(Under the provisions of Council Procedure Rule 16.5 Councillor Wakefield required it to be recorded that he voted against this item).

CENTRAL AND CORPORATE

97 Joint Service Centres - Formal Approval to the Next Stages of the Joint Service Centre Project, Capital and Revenue Budget Implications

The Deputy Chief Executive submitted a report providing an update on progress and providing budget implications associated with the delivery of the Chapeltown and Harehills Joint Service Centres.

RESOLVED –

(a) That the successful financial close on 12th June 2009, which was within the maximum affordability deficit of £396,000 approved at Executive Board of 4th March 2009, be noted.

(b) That the final affordability position at financial close, as set out in Table A of the report be approved.

(c) That the £600,000 capital receipt, received from LIFT Co (Community Ventures Leeds Ltd) for the sale of the two Joint Service Centre sites at Chapeltown and Harehills, be formally ring fenced to the JSC project and used for Stamp Duty Land Tax, temporary library bus and other ICT costs, as set out in Table B of the report.

(d) That the revenue expenditure for the provision of ICT and furniture and fittings to the new Joint Service Centres, as set out in Table B of the report be approved.

98 2010: A Year of Volunteering

The Assistant Chief Executive (Planning, Policy and Improvement) submitted a report on the background to the '2010: A Year of Volunteering' initiative in Leeds and outlining progress in relation to developing a programme of activities and arrangements in this respect.

RESOLVED –

(a) That the proposal to make 2010 Leeds Year of Volunteering be endorsed.

(b) That additional activities and events that will contribute to making the year a success for the city be sponsored and endorsed.

DEVELOPMENT AND REGENERATION

99 Leeds Arena - Yorkshire Forward Funding

The Director of City Development submitted a report on the potential outcome that the Government would not agree to authorise the Yorkshire Forward funding, in whole or in part, for the above scheme and on an alternative strategy to secure progress of the scheme in the event of that outcome.

Following consideration of the appendix to the report, designated as exempt under Access to Information Procedure Rule 10.4(3) which was considered in private at the conclusion of the meeting, it was

RESOLVED –

(a) That the alternative funding strategy as outlined in the exempt appendix to the report be approved in order to ensure that the Leeds Arena scheme can progress as planned, should the government not agree to the release of the whole of the £18,000,000 Yorkshire Forward funding which had been proposed.

(b) That a Design and Cost Report for the scheme be brought back to this Board upon completion of RIBA Stage D design by the Council's design team in order that the design and cost freeze for the project can be agreed.

100 Leeds Core Cycle Network Project

The Director of City Development submitted a report providing an overview of proposals being developed to implement a strategic approach to the longer term development of cycle facilities and routes within Leeds.

RESOLVED –

(a) That the design and implementation of the proposed Leeds Core Cycle Network Project be approved, subject to financial approvals and regulation.

(b) That authority be given to incur £1,311,500 works and £135,500 supervision fees and monitoring, for the following routes that form part of the proposed Core Cycle Network Project, to be funded from the Integrated Transport Scheme 99609 within the approved Capital Programme:

- (i) Route 16 Wyke Beck Way (Roundhay Park to Easterly Rd section)
- (ii) Route 5 Cookridge - City Centre
- (iii) Route 3 Middleton – City Centre
- (iv) Route 15 Alwoodley – City Centre.

101 Submission of the Major Scheme Business Case (MSBC) for the New Generation Transport Scheme

The Director of City Development submitted a report outlining the progress made to date on the development of the New Generation Transport (NGT) proposals and detailing the key information for inclusion within the project's Major Scheme Business Case (MSBC) proposed for submission to the Department of Transport in the latter half of October 2009.

RESOLVED –

(a) That a Major Business Scheme Case for NGT be submitted in October 2009, based on the scheme options as set out in Section 2.4 of the submitted report.

(b) That the proposed approach for delivering the 10% local contribution to the scheme as set out in Section 3.4.4 of the report be approved.

(c) That the City Council share of the 'Additional Risk Layer' of the project be underwritten as set out in Section 3.4.6 of the report.

CHILDREN'S SERVICES

102 Playbuilder Initiative Update

The Director of Children's Services submitted a report on the proposed locations of the six remaining playbuilder sites as recommended by the Strategic Play Partnership and on proposals to progress to development of those six sites.

RESOLVED –

(a) That the proposed six sites as recommended by the Strategic Play Partnership be approved.

(b) That scheme expenditure for Cross Flatts, Seacroft Gardens, Horsforth HIPPO and Naburn Close Park be authorised.

(c) That authority be given to proceed with Tinshill Garth and Butcher Hill subject to agreement on long term maintenance and inspection being secured.

103 Proposal for Statutory Expansion of Primary Provision for September 2010

The Chief Executive of Education Leeds submitted a report on the proposed statutory consultation process for the expansion of primary provision.

RESOLVED –

(a) That statutory formal consultation be undertaken on the prescribed alterations to permanently expand the primary schools identified in paragraph 3.3 of the submitted report.

(b) That formal consultation be undertaken on a proposal at New Bewerley Primary School, in addition to the proposed expansion within (a) above, to add community specialist provision for up to 14 pupils with complex medical, physical needs.

(c) That a report detailing the outcome of these consultations be brought back to this Board in Spring 2010.

(d) That it be noted that proposals for further primary school expansion from 2011 onwards are being developed and will be the subject of further reports to this Board.

(Under the provisions of Council Procedure Rule 16.5 Councillor Wakefield required it to be recorded that he abstained from voting on this matter).

- 104 Proposal for Expansion of Primary Provision in the Richmond Hill Area**
The Chief Executive of Education Leeds submitted a report on proposals to undertake consultation with respect to permanently expanding Richmond Hill Primary School by one form of entry from September 2012.

RESOLVED -

(a) That formal consultation be undertaken on the proposal to permanently expand Richmond Hill Primary School by one form of entry to three forms of entry with effect from September 2012.

(b) That a report detailing the outcome of these consultations be brought back to this Board in Spring 2010.

- 105 Report on the September 2009 Admission Round for Community and Controlled Schools**

The Chief Executive of Education Leeds submitted a report providing a range of statistical information on the 2009 admission round for community and controlled schools.

RESOLVED – That the report and the statistical information therein be noted.

(Under the provisions of Council Procedure Rule 16.5, Councillor Wakefield required it to be recorded that he abstained from voting on this matter).

ADULT HEALTH AND SOCIAL CARE

- 106 Holt Park Wellbeing Centre - Outline Business Case and Affordability Position**

The Director of Adult Social Services and the Director of City Development submitted a joint report on the proposed submission of the Outline Business Case for the Holt Park Wellbeing Centre to the Department of Health for approval.

Following consideration of Appendix 1 to the report designated as exempt under Access to Information Procedure Rule 10.4(3) which was considered in private at the conclusion of the meeting it was

RESOLVED –

(a) That the report be noted and approval given for the submission of the Outline Business Case for the Holt Park Wellbeing Centre project to the Department of Health.

(b) That approval be given to the affordability implications over the life of the proposed PFI contract for the Centre, summarised in table 1 of the exempt appendix to the report, and that officers be authorised to issue the Council's affordability thresholds relating to the PFI project to the LEP and to Environments for Learning.

(c) That the governance of the Centre be under the Education PFI Project Board in accordance with paragraph 8.7 of the report.

(d) That the decision of the Director of City Development to approve the delivery of the project through the LEP, as described in paragraph 8.2 of the report, be noted and supported.

(e) That the Project Initiation Document for this project be noted

DEVELOPMENT AND REGENERATION

107 Leeds United Thorp Arch Academy

Further to minute 87 of the meeting held on 17th September 2009 the Board received a verbal update on progress of the above transaction in private at the conclusion of the meeting and

RESOLVED - That the Chair, the Executive Member (Development and Regeneration), and the Leaders of the Labour and Morley Borough Independent groups be briefed on 15th October 2009 as to the position prior to the conclusion of the transaction on the same day.

DATE OF PUBLICATION: 16th October 2009

LAST DATE FOR CALL IN: 23rd October 2009

(Scrutiny Support will notify Directors of any items called in by 12:00 noon on 26th October 2009)

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FORWARD PLAN OF KEY DECISIONS

1 November 2009 – 28 February 2010

Key Decisions	Decision Maker	Expected Date of Decision	Proposed Consultation	Documents to be Considered by Decision Maker	Lead Officer (To whom representations should be made and email address to send representations to)
Framework Agreement for Technical Advisors for PFI Projects Approval to issue OJEU notice for the procurement of the framework agreement	Director of Resources	1/11/09	Not applicable (Advisors from Client Departments)	Report to Board	Chief Officer (PPPU) david.outram@leeds.gov.uk
Design Cost Report - Wetherby Children's Centre Design Cost Report to inject £340k into the Children's Services Capital Programme and give authority to incur this expenditure	Director of Resources	1/11/09	Education Leeds, Children's Service, providers and stakeholders city wide.	The report to be issued to the decision maker	Director of Resources sally.threlfall@leeds.gov.uk

Key Decisions	Decision Maker	Expected Date of Decision	Proposed Consultation	Documents to be Considered by Decision Maker	Lead Officer (To whom representations should be made and email address to send representations to)
Great Preston CE Primary School Approval to carry out a third phase of refurbishment and remodelling works at Great Preston CE Primary School, and to incur expenditure from the approved capital programme.	Director of Resources	1/11/09	Great Preston CE Primary High School.	Design and Cost Report	Director of Resources tony.palmer@educationleeds.co.uk
Agency Workers Contracts To re-let contracts for the provision of agency workers	Director of Resources	1/11/09	Supplier consultation undertaken	The decision will be supported by an evaluation of tenders	Director of Resources alex.watson@leeds.gov.uk
RHB Programme 2008 - 11 Update Updating Authority to Spends and Injection of additional grant funding and private sector contributions. No scheme above £500k	Director of Resources	1/11/09	RHB Programme Board	DCR, DDN and Appendices	Director of Resources stephen.boyle@leeds.gov.uk

Key Decisions	Decision Maker	Expected Date of Decision	Proposed Consultation	Documents to be Considered by Decision Maker	Lead Officer (To whom representations should be made and email address to send representations to)
Collection of Local Taxation Approval of Council Tax and Business Rate write offs for the period 1 st October 2008 to 31 st March 2009	Chief Revenues and Benefits Officer	2/11/09	Director of Resources	Report on values by type	Chief Revenues and Benefits Officer peter.hutchinson@leeds.gov.uk
Collection of Debts other than Local Taxation Approval of write off for debts other than Local Taxation for the period 1 st April 2008 to 31 st March 2009	Chief Revenues and Benefits Officer	2/11/09	Director of Resources	Report on values by type	Chief Revenues and Benefits Officer peter.hutchinson@leeds.gov.uk
Bramley 20 Mph Zone Authority to undertake construction works total cost £345,000.	Director of Resources	2/11/09	Members, Emergency Services etc consulted as part of the scheme development. Public Consultation undertaken	Drawing Numbers HDC/229140/GA/01A, HDC/299140/GA/02A & HDC/299140/GA/03	Director of Resources chris.hickling@leeds.gov.uk

Key Decisions	Decision Maker	Expected Date of Decision	Proposed Consultation	Documents to be Considered by Decision Maker	Lead Officer (To whom representations should be made and email address to send representations to)
Thorpe Lane/Bradford Road Junction Improvement Authority to undertake construction works total cost £287,500 including S106 contribution of £50,000	Director of Resources	2/11/09	Members, Emergency Services etc consulted as part of the scheme development	None.	Director of Resources richard.hobson@leeds.gov.uk
Treasury Management Strategy Update 2009/10 To approve the updates treasury management strategy position 2009/10	Executive Board (Portfolio: Resources)	4/11/09	Report	The report to be issued to the decision maker with the agenda for the meeting	Director of Resources alan.gay@leeds.gov.uk
Capital Programme Update 2009/10 mid year financial update To approve the updated capital programme position	Executive Board (Portfolio: Resources)	4/11/09	None	The report to be issued to the decision maker with the agenda for the meeting	Director of Resources alan.gay@leeds.gov.uk
Financial Health Report - Half Year In noting the financial position after six months for the Authority a decision will be required as to the treatment of any variation identified	Executive Board (Portfolio: Central and Corporate)	4/11/09		The report to be issued to the decision maker with the agenda for the meeting	Director of Resources doug.meeson@leeds.gov.uk

Key Decisions	Decision Maker	Expected Date of Decision	Proposed Consultation	Documents to be Considered by Decision Maker	Lead Officer (To whom representations should be made and email address to send representations to)
Catering Consumables Contract for Catering and Cleaning Services To proceed with PQQ and Tender specification for renewal of contract	Director of Resources	1/2/10	Group consultation on quality of product / Consultation with Existing Supplier	Tender Specifications	Director of Resources mandy.snaith@leeds.gov.uk
Fresh Meat, Cooked meats and Halal provision Contract for Catering and Cleaning Services To proceed with PQQ and Tender specification for renewal of contract	Director of Resources	1/2/10	Group consultation on quality of product / Consultation with Existing Supplier / Muslim Panel	Tender specifications	Director of Resources mandy.snaith@leeds.gov.uk
Financial Health Report - third quarter In noting the financial position after nine months for the Authority a decision will be required as to the treatment of any variation identified	Executive Board (Portfolio: Resources)	12/2/10		The report to be issued to the decision maker along with the agenda for the meeting	Chief Officer (Financial Management) doug.meeson@leeds.gov.uk
Changing the Workplace Business case approval for phase 1 of programme	Executive Board (Portfolio: Central and Corporate)	12/2/10	Ongoing Officer and Member consultation.	The report to be issued to the decision maker with the agenda for the meeting	Director of Resources alan.gay@leeds.gov.uk

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