



## LICENSING COMMITTEE

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MEETING TO BE HELD IN CIVIC HALL, LEEDS ON  
TUESDAY, 4TH AUGUST, 2009 AT 10.00 AM

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### MEMBERSHIP

#### Councillors

- D Wilson (Chair) - Rothwell;  
S Armitage - Cross Gates and Whinmoor;  
M Dobson - Garforth and Swillington;  
J Dunn - Ardsley and Robin Hood;  
T Grayshon - Morley South;  
T Hanley - Bramley and Stanningley;  
G Hyde - Killingbeck and Seacroft;  
V Morgan - Killingbeck and Seacroft;  
B Selby - Killingbeck and Seacroft;  
A Castle - Harewood;  
R D Feldman - Alwoodley;  
D Hollingsworth - Burmantofts and Richmond Hill;  
L Rhodes-Clayton - Hyde Park and Woodhouse;  
C Townsley - Horsforth;  
G Wilkinson - Wetherby;

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# A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></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, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)</p>	
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></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><b>RESOLVED</b> – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p><b>LATE ITEMS</b></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><b>DECLARATIONS OF INTEREST</b></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><b>APOLOGIES FOR ABSENCE</b></p>	
6			<p><b>MINUTES</b></p> <p>To approve the minutes of the last meeting held on 2<sup>ND</sup> June 2009 as a correct record</p> <p>(Copy attached)</p>	1 - 6
7	All Wards;		<p><b>POLICE PRESENTATION ON CITY CENTRE CRIME AND LICENSING ISSUES</b></p> <p>To consider a short introductory report by the Assistant Chief Executive (Corporate Governance) in support of a presentation by West Yorkshire Police on current issues relating to policing policy; licensing related crime; and the management of the night time economy within Leeds City Centre</p> <p>(Report attached)</p>	7 - 10

Item No	Ward/Equal Opportunities	Item Not Open		Page No
8	All Wards;		<p><b>CONSULTATION PROCESS FOR GAMBLING ACT 2005 STATEMENT OF LICENSING POLICY</b></p> <p>To consider the report of the Assistant Chief Executive (Corporate Governance) on the progress of the review of the Gambling Act 2005 Statement of Licensing Policy for the Authority, as required by the Gambling Act 2005</p> <p>(Report attached)</p>	11 - 82
9			<p><b>LARGE CASINO LICENCE PROJECT</b></p> <p>To consider the report of the Assistant Chief Executive (Corporate Governance) on the current position with regards to the Large Casino Premises Licence for Leeds and the next steps in the application process.</p> <p>(Report attached)</p>	83 - 86
10	Wetherby;		<p><b>THE LEEDS FESTIVAL 2009 - EVENT MANAGEMENT PLAN FOR THE 2009 EVENT</b></p> <p>To consider the report of the Assistant Chief Executive (Corporate Governance) providing Members with an update on the receipt of information in respect of the Event Management Plan for the Leeds Festival 2009.</p> <p>(Report attached)</p>	87 - 104
11	All Wards;		<p><b>PROPOSED PROCEDURE TO BE ADOPTED WHERE PARTIES AGREE CONDITIONS TO BE APPLIED TO PREMISES LICENCES AND CLUB PREMISES CERTIFICATES</b></p> <p>To consider the report of the Assistant Chief Executive (Corporate Governance) on the implications of the outcome of the recent case of R (on the application of Bristol City Council) v Bristol Magistrates Court – the “Somerfield Case” – on the work of the Licensing Sub Committees.</p> <p>(Report attached)</p>	105 - 112

Item No	Ward/Equal Opportunities	Item Not Open		Page No
12			<b>DATE AND TIME OF NEXT MEETING</b>  To note the date and time of the next meeting as Tuesday 6 <sup>th</sup> October 2009	

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# Agenda Item 6

## Licensing Committee

Tuesday, 2nd June, 2009

**PRESENT:** Councillor D Wilson in the Chair

Councillors J Dunn, T Hanley, G Hyde,  
V Morgan, R D Feldman, D Hollingsworth,  
L Rhodes-Clayton and C Townsley

### 1 Chairs Opening Remarks

Councillor Wilson welcomed all present to the first meeting of the new Municipal Year and in particular welcomed Councillor Hanley as a new member of the Committee. The Chair noted the departure of Councillor Dowson and proposed to write to her expressing the thanks of the Committee for her work on the Sub Committees during the last four years

The Chair then noted the following:

2008/09 - a successful year in terms of workload with the exception of traffic problems associated with the Leeds Festival 2008. However Councillor Wilson stated the recent site visit and presentation on the proposed 2009 Festival route had provided Committee with reassurance for the success of the 2009 event

2009/10 – Lap Dancing Clubs – noted the proposed change to legislation which could provide local authorities with greater control than present. The Committee noted a report setting out the proposals was included on the agenda for this meeting although this duty would fall within the remit of the Licensing and Regulatory Panel, not Licensing Committee. Members requested information on the number and location of existing lap dancing clubs be provided to Committee

Large casino – commented that the establishment of the large Casino in Leeds was likely to be delayed due to the current economic downturn

### 2 Declarations of Interest

There were no declarations of interest.

### 3 Apologies for Absence

Apologies for absence were received from Councillors Armitage, Castle, Dobson, Grayshon, Selby and Wilkinson

### 4 Minutes

**RESOLVED** – That the minutes of the meeting held 23<sup>rd</sup> April 2009 be agreed as correct record

### 5 Terms of Reference - The Licensing Committee

The Assistant Chief Executive (Corporate Governance) submitted a report setting out the Terms of Reference and Officer Delegation Scheme for the Licensing Committee previously approved at Annual Council on 21<sup>st</sup> May

2009. The report also included a copy of the Code of Practice for Determining Licensing Matters, incorporating the site visit protocol.

Members discussed the following matters:

Officer decisions – noted that officers had previously undertaken to notify ward Councillors of applications from within their wards and the outcome of applications. Members commented that outcomes had not been routinely reported as expected. Officers clarified that unless an application received representations from the public or responsible authorities, an application would be granted under the Licensing Act 2003, but that this could not be regarded as an officer decision

LCC Responsible Authorities – Members discussed attendance at hearings and some commented upon the non-attendance of representatives of LCC Environmental Health Services at hearings where a representation had been submitted. The Committee sought to ensure that any written representation was supported by attendance at a hearing to fully understand the reasoning behind proposed conditions

Planning and Licensing – Members revisited the perceived problem of lack of information on a premises permitted hours in planning terms when dealing with applications for Premises Licences under the 2003 Act. Officers explained that applicants served copies of their applications on LCC Planning Services as part of the application process, and Entertainment Licensing followed this up providing planning officers with the deadline for receipt of representations. However the onus was on Planning Services and the other responsible authorities to ensure their representations were made. Furthermore, under the 2003 Act, there was no mechanism for planning matters to be taken into account and the reasons that conditions/restrictions were placed on permissions granted by the planning authority may not be relevant to the licensing objectives.

The Committee was keen to ensure that, particularly in the case of hot food take-aways, information on the permitted planning use hours was included either within the licensing officers' report or provided in the form of a written representation from Planning Services to be attached to the report. Members considered whether a revision to the Terms of Reference would ensure this but were advised the document had already received approval from full Council and was presented for information only. Members expressed concern that hours granted under the 2003 Act could conflict with the permitted planning hours which could in turn impact on the efficiency of any enforcement action.

In response the Chair agreed to meet with the Chief Planning Officer to express the Committees' concerns and to request that greater importance be placed on the licensing applications submitted to Planning Services as part of the licensing application process.

**RESOLVED –**

- a) To note the Terms of Reference for the Licensing Committee
- b) To note the contents of the current Officer Delegation Scheme



- c) To note the Code of Practice for the Determination of Licensing Matters (including the site visits protocol)
- d) To note the Chair's intention to meet with the Chief Planning Officer to express the Committees wish to encourage closer liaison between Planning Services and Entertainment Licensing in order to ensure that relevant planning information on each application before a Sub Committee for determination is forthcoming
- e) To note the comments regarding the supply of information to Councillors on the outcome of applications within their ward

## **6 Creation of the Licensing Sub Committees and Terms of Reference**

The Assistant Chief Executive (Corporate Governance) submitted a report setting out the Terms of Reference for the Licensing Sub Committees as approved at Annual Council on 21 May 2009 and seeking approval for the appointment of Committee members to the Sub Committees

Appended to the report were documents containing the Terms of Reference and a schedule of the proposed memberships for the Sub Committees

The Committee discussed

Powers at Reviews - In response to Members concerns that recent advice at a Review hearing suggested the Sub Committees no longer had power to suspend a licence, officers confirmed there had been no changes to the Sub Committees Terms of Reference and clarified that a Sub Committee did have the power to suspend a licence in order to achieve the licensing objectives but there was no provision under the 2003 Act to suspend a Licence as a punishment.

Members requested further guidance on this matter

Membership – The Chair commented that the membership of Sub Committee C had previously worked very well together and as such he suggested it should remain unchanged and Councillor Hanley should join Sub Committee B instead. Committee agreed this amendment.

### **RESOLVED –**

- a) That 5 Sub Committees of the Licensing Committee be established and the arrangements for the membership of the Sub Committees as set out in Paragraph 4 of the report be noted
- b) That the Terms of Reference for the Sub Committees as set out in Appendix 1 of the report be noted
- c) That the following memberships of each of the Sub Committees be approved:
  - A Councillors Armitage, Dobson and Castle
  - B Councillors Dunn, RD Feldman and Hanley
  - C Councillors Grayshon, Hollingsworth and Morgan
  - D Councillors Hyde, Rhodes-Clayton and Townsley
  - E Councillors Selby, Wilkinson and Wilson

And to note that the roll out of the new memberships would commence at end of July 09

## **7 Licensing Procedure Rules**

The Committee considered the report of the Assistant Chief Executive (Corporate Governance) which set out the Procedure Rules associated with the work of the Licensing Committee and the Licensing Sub Committees. The report also included copies of relevant information sheets referred to at hearings

**RESOLVED** – That the Licensing Procedure Rules as set out in Appendix 1 of the report be approved and the contents of the associated information sheets included at Appendix 2 be noted

## **8 The Policing and Crime Bill**

The Assistant Chief Executive (Corporate Governance) submitted a report on the main proposals contained within The Policing and Crime Bill and their relevance to the work of the Licensing Committee. The report also sought Members responses to a consultation currently underway on a proposed statutory Code of Practice on the supply of alcohol contained within the Bill.

The Committee considered the following matters:

- Noted that the regulation of lap dancing establishments was addressed within the Bill and included proposals to classify such establishments as “sex encounter venues”. The proposals included measures to restrict the number of such venues in an area. Members noted that this duty would fall under the remit of the Licensing and Regulatory Panel
- Expressed scepticism over the effectiveness of voluntary codes of practice
- Impact of the Licensing Act 2003 in Leeds and the reported comments of WYP with regards to incidents of crime and disorder. Members also noted the concern of WYP over access to cheap alcohol through supermarket sales
- Noted the suggested “mandatory” and “local” conditions proposed in the Bill and contained in Appendices 3 & 5 respectively of the report.
- Members attention was drawn to Appendix 4 which set out the proposed process for applying “local” conditions to a Premises Licences, which could allow conditions to be attached based on concerns or matters specific to a particular area
- Members considered the proposed “discretionary local conditions” particularly in regard to premises already operating and the process necessary to be able to add these conditions
- Consultation – Members noted the consultation would close on 5<sup>th</sup> August 2009. A copy of the pro-forma consultation form was attached at Appendix 1 to the report and it was agreed that Members responses should be directed to the Clerk in the first instance by first week in July. The responses will be collated and officers will liaise with Councillor Wilson and Councillor Feldman as the Licensing and Regulatory Panel Chair prior to a formal LCC response being submitted to the Home Office

**RESOLVED** –

- a) To note the contents of the report and the terms of the Consultation
- b) That individual Committee Members direct any further responses they may wish to make to the Clerk in order that these be collated into a draft formal response to the Consultation for the Licensing Authority.

- c) To note that officers will liaise with Councillors Wilson and Feldman to present the draft response for clearance prior to its submission to the Home Office by the close of consultation

**9 Implications of the recent case of R (on the application of Bristol City Council) V Bristol Magistrates Court**

The Assistant Executive (Corporate Governance) submitted a report advising the Committee of the implications of the recent case at the High Court of Justice where Bristol City Council applied for Judicial Review of a decision of the Bristol Magistrates Court (the “Sommerfield Case”)

Members made the following observations:

- Commented on relevance of the conditions to the Licensing Act 2003 set by Bristol Licensing Authority in the first instance
- Noted all applications which attracted a representation from a Responsible Authority would be required to be listed for hearing – even if the applicant and the Responsible Authority subsequently agreed proposed measures.
- The proposed measures would require individual consideration under the terms of the Licensing Act 2003 and could not be accepted by a Sub Committee “en-bloc”
- Balanced their desire to ensure a representative of the Responsible Authority attended these “uncontested hearings” against their wish to deal with business efficiently

Members expressed concern over the implications for the Sub Committee workload and noted that the fortnightly meeting schedule had recently led to some day-long meetings. The Committee requested that, in view of the likely increase in the number of hearings now required following the “Sommerfield case”, the Sub Committees revert to weekly hearings

**RESOLVED –**

- a) That the contents of the report and the implications for the Licensing Authority be noted
- b) To authorise officers to re-introduce a weekly schedule of Sub Committee meetings to deal with applications and to note that this would commence at the end of July 2009

**10 Date and Time of Next Meeting**

**RESOLVED –** To note the date and time of the next Committee meeting as Tuesday 4<sup>th</sup> August 2009 at 10.00 am

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**Report of the of the Assistant Chief Executive (Corporate Governance)**

**To: Licensing Committee**

**Date: 4 August 2009**

**Subject: Police Presentation on City Centre Crime and Licensing Issues**

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**Electoral wards affected:**

All

**Specific implications for:**

Ethnic minorities

Women

Disabled people

Narrowing the gap

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**Executive Summary**

1. This report introduces a presentation by West Yorkshire Police to inform Members of current policing policy and regarding licensing related crime and management of the night time economy within the Leeds City Centre.

## **1.0 Purpose of this report**

- 1.1 The purpose of this report is to advise Members that West Yorkshire Police will be attending the Licensing Committee Hearing on 4 August 2009 to provide a presentation to Members on the police perspective on licensing related crime and disorder issues within the city centre.

## **2.0 Background information**

- 2.1 The Licensing Committee Terms of Reference include the power to receive reports from, and to make recommendations and representations to other committees or bodies as appropriate.
- 2.2 Under the Licensing Act 2003 the police are a responsible authority with the power to make representations about individual licence applications.
- 2.3 The statutory guidance issues under the provisions of Section 182 of the Licensing Act 2003 provides at paragraph 1.21 "The Licensing Authority should work with all partners to deliver the licensing objectives, includes responsible authorities, the licensed trade, local people and businesses, town centre managers, crime and reduction partnerships, performers and local transport authorities and operators."
- 2.4 The Statement of Licensing Policy 2007-2010 provides that the Council will monitor the effect of the policy through regular meetings with the responsible authorities.

## **3.0 Main issues**

- 3.1 West Yorkshire Police will be in attendance at the Licensing Committee meeting on 4 August 2009 to make a presentation on city centre related issues.
- 3.2 After discussion between the police and council officers, it is anticipated that this presentation will be the first in a regular series by West Yorkshire Police to update Members on policing policy and licensing issues generally.

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

- 4.1 Receiving information from the police in this manner is in line with terms of reference, the recommendations of the statutory guidance and the Council's own licensing policy.

## **5.0 Legal and resource implications**

- 5.1 There are no legal or resource implications arising from this report.

## **6.0 Conclusions**

- 6.1 That Members should receive the presentation from West Yorkshire Police.

## **7.0 Recommendations**

- 7.1 That Members note the contents of the presentation.



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**Report of the Assistant Chief Executive (Corporate Governance)**

***Licensing Committee***

**Date: 4<sup>th</sup> August 2009**

**Subject: Consultation Process for Gambling Act 2005 Statement of Licensing Policy**

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**Electoral Wards Affected:**

All

**Specific Implications For:**

Ethnic minorities

Women

Disabled people

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**Executive Summary**

This report is to update the Licensing Committee on the progress of the review of the Gambling Act 2005 Statement of Licensing Policy as required by the Gambling Act 2005.

## **1.0 Purpose of This Report**

1.1 This report is to update Licensing Committee of the progress of the consultation on the Gambling Act 2005 Statement of Licensing Policy.

## **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. This process is to be repeated every three years from 31<sup>st</sup> January 2007.

2.2 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 has regard to the Department for Business, Innovation and Skills' Code of Practice on Consultation.

## **3.0 Main Issues**

3.1 The Gambling Act 2005 Statement of Licensing Policy is due to be reviewed this year for adoption by Full Council in December.

3.2 In general 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.

3.3 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.

3.4 The Council intends to consult widely on the reviewed Policy. The first draft was sent to Legal and the Renaissance Unit and the following responsible authorities:

- Gambling Commission
- West Yorkshire Police
- West Yorkshire Fire & Rescue Service
- LCC Environmental Health Services
- Local Safeguarding Children Board
- HM Revenues and Customs

3.5 Comments were received from West Yorkshire Police regarding the provision of gaming machines in club premises. It was noted that a clarifying paragraph was added to the Gambling Commission Guidance to Licensing Authorities in their second edition. This paragraph has been added to the table of gambling machines in the Policy.

- 3.6 Comments were also received from Social Care regarding the objective of Protection of Children and Vulnerable People. Officers from Licensing met with officers from Adult Social Care and this section was rewritten entirely. The detail regarding the amendments can be found in the Interim Consultation Report (appendix 1)
- 3.7 A full public consultation will now take place on the Public Consultation Draft (appendix 2) which will incorporate any comments raised by the initial consultation. The public consultation will include:
- Responsible Authorities
  - Representatives of local businesses (including Leeds Chamber of Commerce and the Federation of Small Businesses)
  - National bodies representing the Gambling Trade
  - Representatives of existing licence holders
  - Members of the public via an advertisement in a local paper, posters in publicly accessible places such as libraries and one stop shops
  
  - Community representatives (including all Members)
  - Faith groups within the Leeds district
  - Town/ Parish Councils in the district
  - Local Members of Parliament
  - National charities concerned with the social impact of gambling
  - Other charities who provide support for alcohol and drug users
  
  - Leeds Initiative
  - Yorkshire Forward
  - Yorkshire Culture
  - Leeds Citizen Advice Bureau
  - Primary Care Trusts
  - Leeds City Council Department of Neighbourhood and Housing
  - Leeds City Council Environmental Health Services
  - Leeds City Council's Development Department
  - Leeds City Council's City Development
- 3.8 This public consultation will take place between 3<sup>rd</sup> August and 2<sup>nd</sup> October. This is a nine week consultation. Although the Regulations require a four week consultation period, officers try to abide by the Code of Practice on consultation issued by the Department for Business, Innovation and Skills and published in July 2008. This Code of Practice recommends a 12 week consultation. Although it has not been possible to provide this length of consultation due to council meeting schedules, officers have given the maximum amount of time possible (nine weeks) to allow Parish/Town Councils and Area Committees to discuss this matter within their normal meeting schedule.
- 3.9 The consultation will take the form of a single sided letter, which will detail how the Policy can be accessed as follows:

- Via a webpage
- Copies placed in libraries, one stop shops, civic buildings etc.
- Requesting a copy of the policy by post.

3.10 The final draft, including a summary of responses, will be presented to Overview and Scrutiny in September, Executive Board in October/November and Full Council in December. The Act requires that the Statement of Licensing Policy be in place by 3<sup>rd</sup> January 2010.

3.11 It should be noted that the timescales set out in the Gambling Act 2005 would not allow the Council to consult sufficiently on the first draft 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 This report is to update Licensing Committee rather than to consult on the policy, therefore any implications for Council Policy and Governance will be identified and addressed during the presentation of the policy itself to Overview and Scrutiny, Executive Board and Full Council later in the year.

#### **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 has regard to the Department for Business, Enterprise and Regulatory Reform's Code of Practice on Consultation.

#### **6.0 Conclusions**

6.1 The purpose of this report is to update the Licensing Committee on the review of the Gambling Act 2005 Statement of Licensing Policy.

#### **7.0 Recommendations**

7.1 Members are requested to note the contents of this report.

# **Interim Consultation Report**

## **Statement of Licensing Policy 2010 – 2013**

**Gambling Act 2005**



**Leeds**  
CITY COUNCIL

## **Executive Summary**

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

The Draft Policy was circulated amongst the responsible authorities and other interested parties on 28<sup>th</sup> 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 17<sup>th</sup> June and full Council on 15<sup>th</sup> July 2009.

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

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

The final Statement of Licensing Policy must be published by 31<sup>st</sup> January 2010.

## **Introduction**

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

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

## **Background Information**

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

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

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

## **The licensing objectives**

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

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

## **Purpose of the Statement of Gambling Policy**

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

## **Purpose of the consultation**

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

## **Consultation methodology**

The following activities have commenced:

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

- The public consultation will commence at the beginning of August and will run 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 is 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 will be uploaded to a webpage on the Leeds City Council website. A news items will appear on the homepage on the first day of the consultation. This news item will remain on the homepage for the first two weeks of the consultation and will be reposted to the website for the latter stages of the consultation.
- A full colour poster will be sent to all libraries, one stop centres and leisure centres in the district.
- Members will be sent a copy of the policy along with the summary of changes.



- A mailshot will be sent out to an extensive list of identified stakeholders. This will include existing licence holders, national trade associations, responsible authorities, organisations concerned with the social impact of gambling, MPs, parish councils, and faith groups to name just a few.
- A news story will be presented in About Leeds in September negating the need for an expensive newspaper advertisement.
- A press release will be issued by the press office advertising the consultation.

## Breakdown of consultation replies

### First draft - officer comments

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

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

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

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

### First draft - consultation with Responsible Authorities

The First Draft of the policy was circulated on the 28<sup>th</sup> 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 22<sup>nd</sup> May 2009. Two responses were received.

### West Yorkshire Police

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

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

## Safeguarding Children’s Board

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

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

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

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

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

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

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

### **Section ' Protection of vulnerable people'**

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

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

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

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

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

Original Text

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

### Protection of children

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

### Protection of vulnerable people

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

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

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

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

Amended text:

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

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

Meaning of "child" and "young person"

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

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

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

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

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

[Protection of vulnerable people](#)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## CHANGE DOCUMENT

**Document Title:** Gambling Act 2005 Statement of Licensing Policy Review

**Revision:** First Draft – Version 2

**Revision date:** 27/04/09

**Contact for enquiries:** Sue Holden

ext: 51863

Part	Current	Part	Change to
<b>Executive Summary</b>			
Insert			
<b>1. The licensing objectives</b>			
No major changes			
<b>2. The Leeds district</b>			
No major changes			
<b>3. The purpose of the Gambling Act 2005 – Statement of Licensing Policy</b>			
3.2	<p>Leeds City Council consulted widely upon this policy statement before finalising and publishing it. A list of the persons we consulted is provided below:</p> <ul style="list-style-type: none"> <li>• West Yorkshire Police</li> <li>• the Local Safeguarding Children Board</li> <li>• representatives of local businesses (including Leeds Chamber of Commerce and the Federation of Small Businesses)</li> <li>• members of the public</li> <li>• the Gambling Commission</li> </ul>	3.2	<p>Leeds City Council consulted widely upon this policy statement before finalising and publishing it. A list of the persons we consulted is provided below:</p> <ul style="list-style-type: none"> <li>• West Yorkshire Police</li> <li>• the Local Safeguarding Children Board</li> <li>• representatives of local businesses (including Leeds Chamber of Commerce and the Federation of Small Businesses)</li> <li>• members of the public</li> <li>• the Gambling Commission</li> </ul>

	<ul style="list-style-type: none"> <li>• community representatives</li> <li>• town councils in the district</li> <li>• parish councils in the district</li> <li>• local Members of Parliament</li> <li>• national bodies representing the gambling trade</li> <li>• national charities concerned with the social impact of gambling</li> <li>• other charities offering support to alcohol and drugs users</li> <li>• representatives of existing licence holders</li> <li>• Yorkshire Forward (the regional development agency)</li> <li>• Yorkshire Culture</li> <li>• Leeds Citizens Advice Bureau</li> <li>• Primary Care Trusts</li> <li>• Her Majesty's Revenue and Customs</li> <li>• West Yorkshire Fire and Rescue Service</li> <li>• Faith Groups within the Leeds district</li> <li>• Department of Neighbourhoods &amp; Housing, Environmental Health Services</li> <li>• Leeds City Council Development Department</li> </ul>		<ul style="list-style-type: none"> <li>• community representatives</li> <li>• town/parish councils in the district</li> <li>• Area Committees</li> <li>• local Members of Parliament</li> <li>• national bodies representing the gambling trade</li> <li>• national charities concerned with the social impact of gambling</li> <li>• other charities offering support to alcohol and drugs users</li> <li>• representatives of existing licence holders</li> <li>• Yorkshire Forward (the regional development agency)</li> <li>• Yorkshire Culture</li> <li>• Leeds Citizens Advice Bureau</li> <li>• Primary Care Trusts</li> <li>• Her Majesty's Revenue and Customs</li> <li>• West Yorkshire Fire and Rescue Service</li> <li>• Faith Groups within the Leeds district</li> <li>• Department of Neighbourhoods &amp; Housing, Environmental Health Services</li> <li>• Leeds City Council Development Department</li> <li>• Leeds Initiative</li> </ul>
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: <a href="http://www.cabinetoffice.gov.uk">www.cabinetoffice.gov.uk</a></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: <a href="http://www.bre.brr.gov.uk">www.bre.brr.gov.uk</a></p>
3.5	<p>The policy was approved at a meeting of the Full Council on 13<sup>th</sup> December 2006.</p>	3.5	<p>The policy was approved at a meeting of the Full Council on xxth December 2009 (insert date after adoption).</p>
<b>4. The licensing framework</b>			
No major changes			



<b>5. Declaration</b>	
No major changes	
<b>6. Responsible authorities</b>	
6.4	<p>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:  <a href="http://www.leeds.gov.uk/licensing">www.leeds.gov.uk/licensing</a></p>
6.4	<p>The contact details of all the responsible authorities under the Gambling Act 2005 are:</p> <p>The Gambling Commission      Tel: 0121 230 6666  Victoria Square House      Fax: 0121 233 1096  Victoria Square      <a href="mailto:info@gamblingcommission.gov.uk">info@gamblingcommission.gov.uk</a>  Birmingham</p> <p>West Yorkshire Police      T: 0113 241 4023  Robert Patterson  Leeds District Licensing  Officer</p> <p>Millgarth Police Station  Leeds  LS2 7HX</p> <p>Leeds Safe Guarding      T: 0113 247 8543  Children Board  Merrion House  110 Merrion Centre  Leeds</p> <p>LS2 8QB      T: 0113 244 0302  West Yorkshire Fire and  Rescue Service  District Fire Safety Officer  Leeds Fire Station  Kirkstall Road  Leeds</p> <p>LS3 1NF      T: 0113 247 6026  Leeds City Council  Environmental Health</p>

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

12.1	This licensing objective means preventing children from taking part in most types of gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children).	12.1	This licensing objective means preventing children from taking part in most types of gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children).
12.5	The council will promote this objective by publishing information on the council website about the symptoms of problem gambling and the various support organisations which are available to help problem gamblers. These webpages will be prepared in conjunction with these support agencies. In addition the council will also distribute promotional material about these services to a variety of public buildings including all one stop centres, libraries and leisure centres.		<b>DELETE</b>
<b>13. Introduction to Premises Licensing</b>			
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.
	<b>INSERT</b>	13.3	Applicants should also be aware that the Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The council will also have regard to these Codes of Practice.

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

			<p>Gambling Act 2005 Converted Casino Premises Licences.</p> <p><b>Large Casino</b> The Act introduces three new categories of larger casino; one regional casino, eight large casinos and eight small casinos. On 15<sup>th</sup> 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.</p>
15.5	<p><b>Large Casino Bid</b> – 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.</p>	16.6	
	All other parts of part 16 deleted	16.7	<p>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.</p>
<b>17. Bingo Premises</b>			
No major changes			
<b>18. Betting Premises</b>			
No major changes			
<b>19. Tracks</b>			
No major changes			
<b>20. Travelling Fairs</b>			
No major changes			
<b>21. Provisional Statements</b>			

20.1	A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which has yet to be constructed or is about to be altered for the purpose of gambling, would be granted a premises licence when the building work is complete. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so the project can be started. Once works are complete a full premises licence would still be required.	21.1	A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which 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).
<b>22. Unlicensed family entertainment centre gaming machine permits (UFECs)</b>			
21.3	In line with the above provision the council has prepared a 'Statement of Principles' document which explains the various issues the council will assess in order to determine the suitability of an applicant for a permit. This includes child protection issues. All applicants should review this document before submitting an application for an UFEC permit so they can tailor their application accordingly.	22.3	In line with the above provision the council has prepared a 'Statement of Principles' in relation to unlicensed family entertainment centre gaming machines as follows:
<b>INSERT</b>		22.4	<p><b>Statement of Principles</b></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>
<b>INSERT</b>		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"> <li>• appropriate measures and training for staff as regards suspected truant children on the premises</li> <li>• measures and training covering how staff would deal with unsupervised very young children being on the premises</li> <li>• measures and training covering how staff would deal with</li> </ul>

		<ul style="list-style-type: none"> <li>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.</li> </ul>
<b>INSERT</b>	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.
<b>INSERT</b>	22.7	<p>The council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:</p> <ul style="list-style-type: none"> <li>A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs</li> <li>That the applicant has no relevant conviction (those that are set out in Schedule 7 of the Act), and</li> <li>That staff are trained to have a full understanding of the maximum stakes and prizes.</li> </ul>
<b>23. Gaming machine permits in alcohol licensed premises</b>		
No major changes		
<b>24. Prize Gaming Permits</b>		
23.4	24.4	<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</p> <p>In line with the above provision the council has prepared a Statement of Principles in relation to prize gaming permits as follows:</p>

	<p>protection issues. All applicants should review this document before submitting an application for a prize gaming permit so they can tailor their application accordingly.</p>		
<p><b>INSERT</b></p>		<p>24.5</p>	<p><b>Statement of Principles</b></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>
<p><b>INSERT</b></p>		<p>24.6</p>	<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"> <li>• appropriate measures and training for staff as regards suspected truant children on the premises</li> <li>• measures and training covering how staff would deal with unsupervised very young children being on the premises</li> <li>• measures and training covering how staff would deal with children causing perceived problems on or around the premises.</li> <li>• 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.</li> </ul>
<p><b>INSERT</b></p>		<p>24.7</p>	<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>



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

	<b>INSERT</b>	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.
<b>27. Occasional Use Notice (for tracks)</b>			
No major changes			
<b>28. Small Society Lotteries</b>			
No major changes			
<b>29 Enforcement principles</b>			
No major changes			
<b>30. Reviews</b>			
No major changes			
<b>Large casino bid</b>			
Entire section deleted. This information is still to be determined and will be consulted upon separately.			
<b>Appendix 1 – Gaming Machines</b>			
Changes include addition of additional category D machine examples.			
<b>Appendix 2 - Glossary</b>			
Additional definitions for additional category D machine examples, i.e. Penny pushers.			

## CHANGE DOCUMENT

**Document Title:** Gambling Act 2005 Statement of Licensing Policy Review

**Revision:** Second draft **Revision date:** 05/06/09

**Contact for enquiries:** Sue Holden ext: 51863

<b>Part</b>	<b>Current</b>	<b>Part</b>	<b>Change to</b>
<b>6.3</b>	In accordance with the regulations the council designates the Local Safeguarding Children Board for this purpose.	<b>6.3</b>	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 <a href="http://www.procedures.leedsiscb.org.uk">http://www.procedures.leedsiscb.org.uk</a> . 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.
<b>9.1</b>	Licensing authorities are responsible under the Act for: <ul style="list-style-type: none"> <li>• licensing premises where gambling activities are to take place by issuing premises licences</li> <li>• issuing provisional statements</li> <li>• regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits</li> <li>• issuing Club Machine Permits to commercial clubs</li> <li>• granting permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres</li> <li>• receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the</li> </ul>	<b>9.1</b>	Licensing authorities are responsible under the Act for: <ul style="list-style-type: none"> <li>• licensing premises where gambling activities are to take place by issuing premises licences</li> <li>• issuing provisional statements</li> <li>• regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits</li> <li>• issuing Club Machine Permits to commercial clubs</li> <li>• granting permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres</li> <li>• receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less</li> </ul>

	<p>use of two or less gaming machines</p> <ul style="list-style-type: none"> <li>granting Licensed Premises Gaming Machine Permits for alcohol for consumption on the licensed premises, where more than two machines are required</li> <li>registering small society lotteries below prescribed thresholds</li> <li>issuing Prize Gaming Permits</li> <li>receiving and endorsing Temporary Use Notices</li> <li>receiving Occasional Use Notices (for tracks)</li> <li>providing information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of information')</li> <li>maintaining registers of the permits and licences that are issued under these functions.</li> </ul>		<ul style="list-style-type: none"> <li>gaming machines</li> <li>issuing Licensed Premises Gaming Machine Permits for alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required</li> <li>registering small society lotteries below prescribed thresholds</li> <li>issuing Prize Gaming Permits</li> <li>receiving and endorsing Temporary Use Notices</li> <li>receiving Occasional Use Notices (for tracks)</li> <li>providing information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of information')</li> <li>maintaining registers of the permits and licences that are issued under these functions.</li> </ul>
<p><b>12.1</b></p>	<p>This licensing objective means preventing children from taking part in most types of gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children). The council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.</p>	<p><b>12.1</b></p>	<p>This licensing objective means preventing children from taking part in most types of gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children). The council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.</p>
	<p><b>INSERT</b></p>	<p><b>12.2</b></p>	<p>The Act provides the following definition for child and young adult in Section 45:</p> <p>Meaning of "child" and "young person"</p> <p>(3) In this Act "child" means an individual who is less than 16 years old.</p> <p>(4) In this Act "young person" means an individual who is not a child but who is less than 18 years old.</p>

			For the purpose of this section protection of children will encompass both child and young person as defined by the Act.
<b>12.2</b>	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.	<b>12.3</b>	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.
<b>12.3</b>	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.	<b>12.4</b>	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.
<b>12.4</b>	<b>Protection of vulnerable people</b> 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.	<b>12.5</b>	<b>Protection of vulnerable people</b> The council is aware of the difficulty in defining the term “vulnerable person”.
<b>12.5</b>	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		<b>DELETE</b>

	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.		
<b>12.6</b>	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.		<b>DELETE</b>
		<b>12.6</b>	<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>
			<b>INSERT</b>
		<b>12.7</b>	<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>
			<b>INSERT</b>
		<b>12.8</b>	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: <ul style="list-style-type: none"> <li>• Combating problem gambling</li> <li>• Access to gambling by children and young persons</li> <li>• Information on how to gambling responsibly and help for problem gamblers</li> <li>• Customer interaction</li> <li>• Self exclusion</li> <li>• Employment of children and young persons</li> </ul>
<b>INSERT</b>	<b>12.9</b>	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.
<b>INSERT</b>	<b>12.10</b>	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 <a href="http://www.leedssafeguardingadults.org.uk">http://www.leedssafeguardingadults.org.uk</a>
<b>12.7</b>	<b>12.11</b>	Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example: <ul style="list-style-type: none"> <li>• leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets</li> <li>• training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable. (see 12.4.1)</li> </ul>

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



	<p>activities taking place</p> <ul style="list-style-type: none"> <li>any levels of organised crime in the area.</li> </ul> <p>The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. Such evidence may be used to inform the decision whether to grant the licence, to grant the licence with special conditions or to refuse the application.</p>		<ul style="list-style-type: none"> <li>the size of the premises and the nature of the activities taking place</li> <li>any levels of organised crime in the area.</li> </ul> <p>The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing 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>
<b>22.6</b>	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.	<b>22.6</b>	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.
<b>24.7</b>	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.	<b>24.7</b>	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.
<b>Appendix 1 Gaming Machines</b>			
	<b>INSERT</b>		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.

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# Statement of Licensing Policy 2010 – 2013

Gambling Act 2005

**Further copies of this document can be obtained from:**

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Leeds City Council  
Civic Hall  
Leeds  
LS1 1UR

Tel: 0113 247 4095

Fax: 0113 224 3885

Email: [entertainment.licensing@leeds.gov.uk](mailto:entertainment.licensing@leeds.gov.uk)

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Public consultation draft	SCH	16/07/09
Final draft		

**Please note:**

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

**Executive Summary** 5

**Part A      The Gambling Act 2005**

- 1.      The licensing objectives 6
- 2.      The Leeds district 6
- 3.      The purpose of the Gambling Act 2005 – Statement of Licensing Policy 8
- 4.      The licensing framework 9
- 5.      Declaration 9
- 6.      Responsible authorities 10
- 7.      Interested parties 11
- 8.      Exchange of information 11
- 9.      Licensing authority functions 12

**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 13
- 11.     Ensuring that gambling is conducted in a fair and open way 13
- 12.     Protecting children and other vulnerable persons from being harmed or exploited by gambling 13
  - Protection of children 13
  - Protection of vulnerable persons 14

**Part C      Premises licences**

- 13.     Introduction to premises licensing 16
  - Definition of a premises licence 16
  - Location 16
  - Duplication with other regulatory regimes 17
  - Conditions 17
  - Door supervision 18

14.	Adult gaming centres	18
15.	Licensed family entertainment centres	19
16.	Casinos	19
17.	Bingo premises	20
18.	Betting premises	21
19.	Tracks	21
20.	Travelling fairs	22
21.	Provisional statements	23
<b>Part D Permits, notices and lottery registrations</b>		
22.	Unlicensed family entertainment centre gaming machine permits	24
23.	Gaming machine permits in premises licensed for the sale of alcohol	25
24.	Prize gaming permits	26
25.	Club gaming and club machines permits	27
26.	Temporary use notices	28
27.	Occasional use notices (for tracks)	28
28.	Small society lottery registrations	29
<b>Part E Enforcement</b>		
29.	Enforcement principles	30
30.	Reviews	31
<b>Appendices</b>		
Appendix 1	Gaming machines	32
Appendix 2	Glossary of terms	34

## 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 31<sup>st</sup> 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.

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 promote 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 two appendices, one describing the stakes and prizes which determine the category of a gaming machine and a glossary of terms.

### 1. The licensing objectives

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

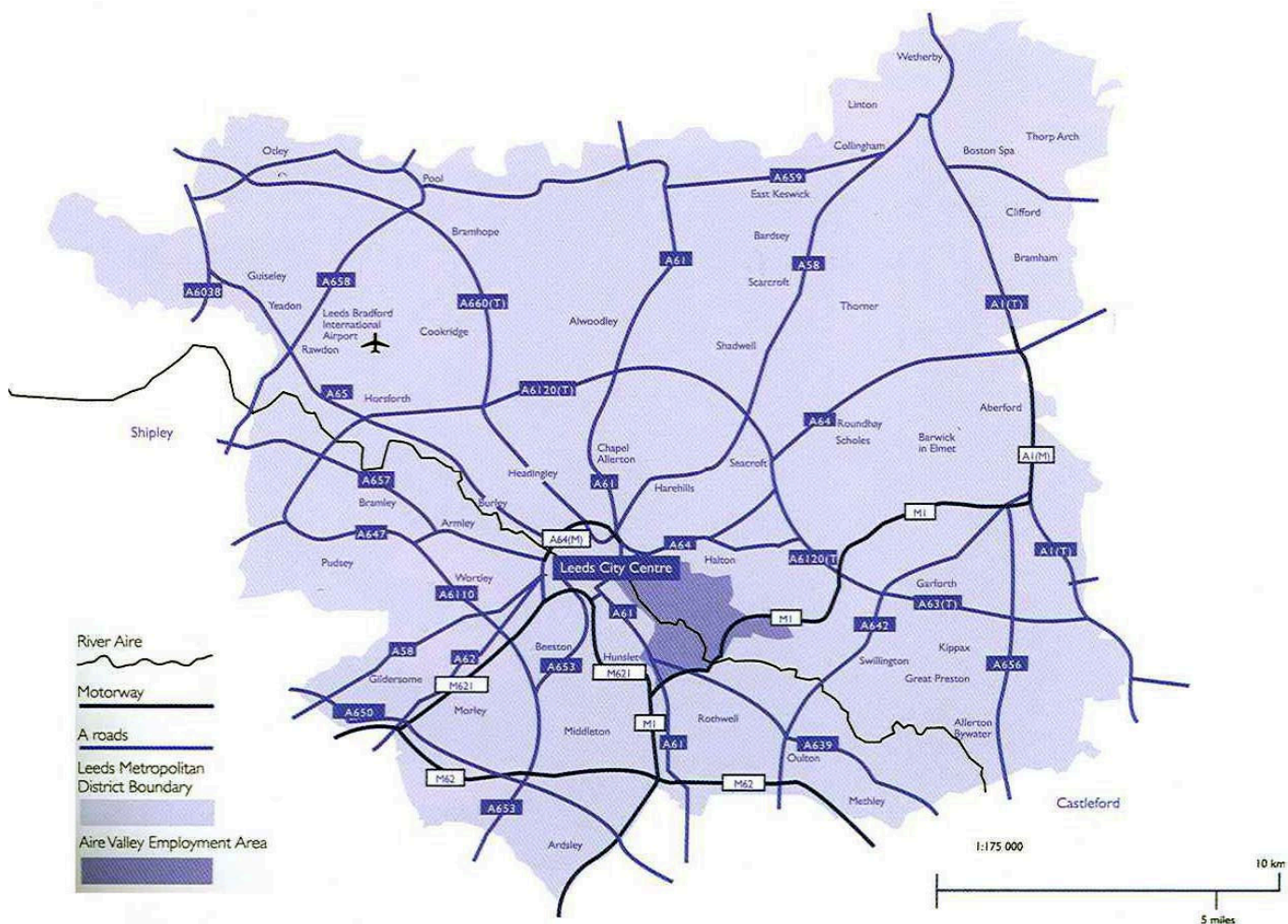
- a thriving economy
- a vibrant city centre
- a leading centre of learning, knowledge and research
- a recognised regional capital
- a positive image
- a reputation for environmental excellence
- a wide range of cultural facilities
- a rich mix of cultures and communities.

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.

## 2.9 Leeds metropolitan district



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

3.1 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions under the Act. This document fulfils this requirement. Such statement must be published at least every three years. The statement can also be reviewed from “time to time” and any amendments must be consulted upon. The statement must then be re-published.

3.2 Leeds City Council consulted widely upon this policy statement before finalising and publishing it. A list of the persons we consulted is provided below:

- West Yorkshire Police
- the Local Safeguarding Children Board
- representatives of local businesses (including Leeds Chamber of Commerce and the Federation of Small Businesses)
- members of the public
- the Gambling Commission
- community representatives
- town/parish councils in the district
- Area Committees
- local Members of Parliament
- national bodies representing the gambling trade
- national charities concerned with the social impact of gambling
- other charities offering support to alcohol and drugs users

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

3.3 The consultation took place between 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](http://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 December 2009.

#### **4. The licensing framework**

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

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

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

#### **5. Declaration**

5.1 This statement of licensing policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

5.2 In producing this document, the council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the policy statement.

## 6. Responsible authorities

- 6.1 The Act empowers certain agencies to act as responsible authorities so that they can employ their particular area of expertise to help promote the licensing objectives. Responsible authorities are able to make representations about licence applications, or apply for a review of an existing licence. Responsible authorities will also offer advice and guidance to applicants.
- 6.2 The council is required by regulations to state the principles it will apply to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area
  - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.
- 6.3 In accordance with the regulations the council designates the Local Safeguarding Children Board for this purpose. Leeds Safeguarding Children Board have produced a "West Yorkshire Consortium Procedures Manual which can be found at <http://www.procedures.leedslscb.org.uk>. Applicants may find this manual useful as a point of reference, a guide for good practice and the mechanism by which to make a referral to Social Care etc, when producing their own policies and procedures in relation to the objective of protection of children and vulnerable people.
- 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  
Environmental Health Services  
Millshaw Office  
Millshaw Park Way  
Churwell  
Leeds  
LS11 0LS

T: 0113 247 6026

## **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 when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

## **9. Licensing authority functions**

9.1 Licensing authorities are responsible under the Act for:

- licensing premises where gambling activities are to take place by issuing premises licences
- issuing provisional statements
- regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- issuing Club Machine Permits to commercial clubs
- granting permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres
- receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines
- granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- registering small society lotteries below prescribed thresholds
- issuing Prize Gaming Permits
- receiving and endorsing Temporary Use Notices
- receiving Occasional Use Notices (for tracks)
- providing information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of information')
- maintaining registers of the permits and licences that are issued under these functions.

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

## **Part B Promotion of the licensing objectives**

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

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

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

- 11.1 The council is aware that except in the case of tracks (see section 18) generally the Gambling Commission does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.
- 11.2 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 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 (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 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
- 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.

- 12.12 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.
- 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).

**Location**

- 13.9 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.

13.10 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.

13.11 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

13.12 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

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

13.14 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.

13.15 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.

13.16 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.

13.17 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.

13.18 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.

13.19 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

13.20 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. Licensed family entertainment centres are those premises which usually provide a range of amusements such as computer games, penny pushers

and may have a separate section set a side for adult only gaming machines with higher stakes and prizes.

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

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

14.4 Where certain measures are not already addressed by the mandatory 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**

15.1 Licensed family entertainment centres will be able to make available a certain number of category C and D machines where there is clear segregation in place so children do not access the areas where the category C machines are located (see Appendix 1).

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 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.

## Licence considerations / conditions

- 16.3 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 considered when determining licence applications for converted casino licences.
- 16.4 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.

## Betting machines

- 16.5 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.

## Large Casino

- 16.6 The Act introduces three new categories of larger casino; one regional casino, eight large casinos and eight small casinos. On 15<sup>th</sup> 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.
- 16.7 The Council is currently putting arrangements in place to hold the competition for the Large Casino Premises Licence. The statement of principles for the large casino process will be consulted upon during 2010 with a view to run the competition at some point after that.

## 17. Bingo premises

- 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 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.

17.4 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 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.
- 19.10 Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission's 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 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.
- 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.

## 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 and games of chance as set-out in forthcoming regulations. A 'club machine permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D). 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, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.
- 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. For example, the holder of a casino operating licence could apply for a temporary use notice to provide casino games at a hotel.
- 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 an existing operator who holds an Operating Licence issued by the Gambling Commission.
- 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
<sup>1</sup> B2	£100	£500
B3	£1	£500
B4	£1	£250
C	£1	£70
D – money prize machine	10p	£5
D – non-money prize machine (not crane grab)	30p	£8
D – crane grab machine	£1	£50
D – coin pusher or penny fall machine	10p	£15 (£8 money prize)

**Table 1**

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

(Appendix 1 continued)

Premises Type	Machine category						
	A	B1	B2	B3	B4	C	D
Regional casino (machine/table ratio of 25-1 up to maximum)	Maximum of 1250 machines Any combination of machines in categories A to D, within the total limit of 1250 (subject to table ratio)						
Large casino (machine/ table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D, within the total limit of 150 (subject to table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D, within the total limit of 80 (subject to table ratio)					
Pre-2005 Act Casinos (no machine/table ratio)		Maximum of 20 machines categories B to D or C or D machines instead					
Betting premises and tracks operated by pool betting			Maximum of 4 machines categories B2 to D				
Bingo Premises				Maximum of 8 machines in category B3 of B4		No limit C or D machines	
Adult gaming centre				Maximum of 4 machines in category B3 of B4		No limit C or D machines	
Family entertainment centre (with premises licence)						No limit C or D machines	
Family entertainment centre (with Permit)							No limit on category D machines
Clubs or miners' welfare institutes with permits					maximum of 3 machines in categories B4 to D		
Qualifying alcohol licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises with gaming machine permit						Number as specified on permit	
Travelling fair							No limit on category D machines
	<b>A</b>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>C</b>	<b>D</b>

Table 2

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"> <li>preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to</li> </ul>

Term	Description
	<p>support crime</p> <ul style="list-style-type: none"> <li>• ensuring that gambling is conducted in a fair and open way</li> <li>• protecting children and other vulnerable persons from being harmed or exploited by gambling.</li> </ul>
Lottery	<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.

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**Report of the Assistant Chief Executive (Corporate Governance)**

***Licensing Committee***

**Date: 4<sup>th</sup> August 2009**

**Subject: Large Casino Licence Project**

<b>Electoral Wards Affected:</b>
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<b>Specific Implications For:</b>
Ethnic minorities <input type="checkbox"/>
Women <input type="checkbox"/>
Disabled people <input type="checkbox"/>

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**Executive Summary**

The Gambling Act 2005 provided Leeds City Council with the opportunity to grant a Large Casino Premises Licence under a two stage process which will determine a licence on the greatest benefit to the City.

Officers are now starting the preliminary stages for this competition and are reporting to Licensing Committee on the next steps in the process.

## **1.0 Purpose Of This Report**

- 1.1 This report is to inform the Licensing Committee of the next steps in the Large Casino process and their delegated responsibilities during this process.

## **2.0 Background Information**

- 2.1 The Gambling Act 2005 (the Act) changed the legislation governing the licensing of casinos significantly. Under the Act seventeen new casino licences will be granted, each of which will be significantly larger than existing casinos. The licences are broken down as follows: one regional casino, eight large casinos, and eight small casinos. The DCMS formed a special Casino Advisory Panel, (CAP) to recommend where the new casinos should be located.
- 2.2 In April 2008 Parliament dropped the regional casino and approved the eight small and eight large casinos. In line with the CAPs original recommendations. Leeds was awarded a large casino licence.
- 2.3 This means the council can now begin preparations for inviting applications for its large casino licence subject to certain statutory obligations and other internal preparations.

## **3.0 Main Issues**

### **3.1 Statement of Licensing Policy**

- 3.1.1 The Act requires that the principles that the authority will apply to determine which application will deliver the greatest benefit to the city must be included in the council's Statement of Licensing Policy.
- 3.1.2 Although the Statement of Licensing Policy is currently under review it was not possible to include the detail required by the Act regarding the Large Casino Application Process. As a consequence it is likely that this part of the policy will be reviewed and consulted upon separately in the early part of next year. The amended policy will follow the normal process including public consultation. Review of the policy also requires input from Executive Board and Scrutiny Board. Approval of the Council's Statement of Licensing Policy is a matter reserved for Full Council in line with Budget and Policy Framework.

### **3.2 The Application Process**

- 3.2.1 The Act assumes that these licences will be highly sought after and that authorities will receive multiple applications. For this reason the Act sets out a detailed two stage selection process.
- 3.2.2 Stage 1 is a routine licence application, similar to the process every gambling premises licence is subjected to. It is expected that most operators will pass through this stage. Each operator may object to other operators and this will result in sub-committee hearings in the normal manner. Adverse decisions can be appealed to the Magistrates Court. This process will take a minimum of four months but any appeals lodged will extend this process. The current waiting time for appeals in the Magistrates Courts is around six months.
- 3.2.3 Stage 2 will be operated like a competitive tender where each operator will be asked to demonstrate how their bid would result in the greatest benefit to the city. Schedule 9 paragraph 5(3) allows the authority to enter into a written agreement with the winning applicant to attach conditions to the licence to secure the proffered benefits.

3.2.4 Benefits might include a one off cash payment, a profit share scheme, commitment to local supplier agreements, or a targeted employment campaign in a given area. As the determination of the application and the grant of the licence is a Part 8 function of the Act, it is expressly a matter for the Council's Licensing Committee, although the principles that the committee will use to inform its decision on greatest benefit will be contained within the Council's Statement of Licensing Policy subject to Full Council approval. Challenges to decisions made at stage 2 are by way of judicial review.

### 3.3 Advisory Panel

3.3.1 The manner in which Licensing Committee will assess the competing bids and the scoring methodology needs to be developed and approved by the Licensing Committee. Although this need not be part of the policy, it is recommended by Counsel that this is included to avoid legal challenge later.

3.3.2 Formulating a specialist advisory panel will offer independent advice and scrutiny to Licensing Committee on both the scoring methodology and the quality of the competing bids. It should include specialists in the following areas:

- Social responsibility
- Sustainable development
- Transport implications
- Crime and disorder impact
- Environmental health impact
- Jobs & skills proposals
- Economic impact
- Financial management
- Procurement
- Regeneration

3.3.3 It is expected that the Advisory Panel will first advise on the content of the Policy and when the time comes, assess each competing bid and provide a detailed assessment of each bid to Licensing Committee to assist them in making their determination.

### 3.4 Training

3.4.1 In order to further assist the Licensing Committee in making the determination full training will be given, which will aim to provide not just the basic knowledge of gambling and casino premises but also an understanding of the trade and its requirements.

### 3.5 Updates

3.5.1 Officers intend to provide updates to Licensing Committee at all key stages in this project.

## **4.0 Implications For Council Policy And Governance**

4.1 This report is to update Licensing Committee therefore any implications for Council Policy and Governance will be identified and addressed during project planning. Any implications determined through this process will be reported to Licensing Committee in due course.

## **5.0 Legal And Resource Implications**

### **5.1 Legal Implications**

- 5.1.1 The determination of the application and the grant of the licence is a Part 8 function of the Act, it is expressly a matter for the Council's Licensing Committee, although the principles that the committee will use to inform its decision on greatest benefit will be contained within the Council's Statement of Licensing Policy subject to Full Council approval.
- 5.1.2 Regarding the Statement of Licensing Policy, 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.
- 5.1.3 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 will have regard to the Department for Business, Innovation and Skills' Code of Practice on Consultation.

### **5.2 Resource Implications**

- 5.2.1 There are expected to be resource issues at the start of the process. It is expected that the Advisory Panel should include at least one consultant conversant in the gambling trade. The project management of the process is to be undertaken by the City Development who will provide a Project Manager. The costs for running the competitive process have been estimated at around £100k. However it is expected that these costs will be recouped at the end of the project, either by funding streams such as Yorkshire Forward, or if this is not possible, the funding will come from any financial lump sum provided by the successful applicant.

## **6.0 Conclusions**

- 6.1 The purpose of this report is to advise the Licensing Committee on the forthcoming competition process for the Large Casino Premises Licence.

## **7.0 Recommendations**

- 7.1 That Licensing Committee note the contents of this report.



Originator: S Holder

Tel: 2474720

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**Report of the Assistant Chief Executive (Corporate Governance)**

***Report to the Licensing Committee***

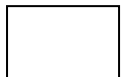
**Date: 4 AUGUST 2009**

**Subject: LEEDS FESTIVAL 2009  
EVENT MANAGEMENT PLAN FOR THE 2009 EVENT**

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**Electoral Wards Affected:**

Wetherby



Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**EXECUTIVE SUMMARY**

This report provides Members with an update on the receipt of information in respect of the Event Management Plan for the 2009 Leeds Festival. This event is to be held in the Bramham Park estate over the August Bank Holiday period.

**1.0 PURPOSE OF REPORT**

1.1 This report informs Members of the receipt of the proposed changes to the Event Management Plan in respect of the Leeds Festival 2009 from the 2008 Event Management Plan.

**2.0 BACKGROUND INFORMATION**

2.1 The Premises Licence for the Leeds Festival was considered and approved by the Members of the Licensing Committee on the 28<sup>th</sup> April 2006.

2.2 The Licence is held for Bramham Park and allows the Leeds Festival to take place every August Bank Holiday weekend.

2.3 Members resolved to grant the application as requested and accepted the applicants offer to include the following additional three conditions:

1) There shall be an Event Management Plan which incorporates the operating schedule submitted to the Licensing Authority at least 6 months prior to the Festival each year

2) The Event Management Plan and any revisions to the Event Management Plan

must be approved by the Licensing Authority prior to the festival.

- 3) The Premises Licence Holder shall comply with the terms and requirements of the Event Management Plan each year.

2.4 In addition, the Committee reserved the right to determine how the final amended Event Management Plan for the festival should be agreed, with the facility for the final plan to be agreed by the Committee or officers under delegated authority.

2.5 An application to vary the premises licence was made on the 6 March 2008 to extend the hours for the following activities:

- B Films
- E Live Music
- F Recorded Music
- H Anything of a Similar Description to that Falling within (E) or (F)
- I Provision of Facilities for Making Music
- J Provision of Facilities for Dancing
- K Provision of Facilities for Entertainment of a similar Description to that falling within (I) or (J)

The variation allowed the above mentioned activities within the following areas until 06:00 hours on the Saturday, Sunday and Monday mornings:

- Brown/Green Campsite
- Orange Campsite
- Yellow Bubble Campsite
- Blue Valley Campsite
- Red Campsite
- Piccadilly Party Campsite
- Silent Disco

2.6 No representations were received from the responsible authorities or interested parties and the varied premises licence was issued on the 3 April 2008.

### **3.0 MAIN ISSUES**

3.1 The Event Management Plan for the 2008 event was presented at the Licensing Committee on the 5 August 2008 (Minute 21) when delegated authority was given to the Assistant Chief Executive to agree the final Event Management Plan prior to the start of the event.

3.2 The draft Event Management Plan for the 2009 Festival was received by the Licensing Authority and Responsible Agencies on the 16 February 2009. As in previous years a copy of the Summary of Changes from the 2008 event has been circulated to Members of the Licensing Committee and Ward Members in the wards surrounding the event site. A copy of the summary of changes is attached at **Appendix 1** for Member's information.

3.3 To ensure the widest circulation of information the organisers have held meetings with the Parish/Town Councils in the areas surrounding the site and will maintain regular contact with them.

3.4 The first multi agency meeting with the responsible agencies was held on the 10 February 2009.

3.5 Members may recall that at the Licensing Committee meeting on the 4 December 2008 (Minute 31). Members were given a report on the outcome of the 2008 event. This followed a multi agency meeting held in October 2008. The main issue arising from the debrief was the traffic management on the Thursday prior to the start of the event. At the Licensing Committee

meeting Mr. Benn the festival organiser advised Members that an alternative traffic management plan would be considered for the 2009 event.

3.6 Following the December Licensing Committee meeting a traffic management multi agency meeting was held on the 18 March 2009. Agreements were reached in principal to route traffic on the Thursday only of the event from the south up the A1/M1 and onto the A64 where there will be a temporary road closure to allow a right turn into the event site. This proposed traffic management plan was presented to Members of the Licensing Committee and Ward Members in the east of the City on the 23 April 2009.

3.7 Members will also recall that the de brief notes from the 2008 event made reference to a complaint received during the post festival clean up. Officers from the Leeds City Council Health and Safety Service visited the site following the receipt of the complaint and their observations and recommendations for future events were forwarded to the event organisers, Festival Republic, the cleaning company, Leisure Support Services and the company who provided the operatives, Blue Arrow Limited. A copy of the letter sent to the above agencies is attached at Appendix 2. The festival organisers have confirmed that it is likely that Leisure Support Services will be retained to provide the clean up in 2009 and will ensure that their risk assessments and training manuals will be forwarded to the Health and Safety Service prior to the start of the event. The event organisers have also amended the event management plan at 4.2.b.2 to include the following:

‘The waste management contractor post festival will be monitored by the Site Manager (festival republic) or another senior member of staff to ensure that the facilities and conditions that their staff work in are satisfactory.’

3.8 Members considered the proposed changes to the Event Management Plan for the 2009 event at their meeting on the 7 April 2009 (Minute 49)

3.9 At the April 2009 Licensing Committee meeting Members resolved to:

- a) To note the contents of the report
- b) To rescind the Committee decision of 2<sup>nd</sup> December 2008 which requested that “local ward Councillors, the appropriate Executive Member and relevant Parish Councils be consulted on the Traffic Management Plan” (minute 31c) refers) in order allow the Licensing Committee to undertake a site visit and play a formal role in the process
- c) To undertake a site visit to travel the proposed TMP route to Bramham Park for Festival goers and request that arrangements be made to transport the Licensing Committee to Bramham Park on 23<sup>rd</sup> April 2009 to attend the TMP presentation organised by Festival Republic.
- d) To note that multi agency meetings will continue and the applicant intends to continue to liaise with relevant Town and Parish councils culminating in the production of the final Event Management Plan no later than 28 days prior to the start of the event.
- e) To note that the final Event Management Plan will be presented to the Committee in August 2009 when Members will determine how the final EMP will be agreed

3.10 Members subsequently attended a presentation of the Traffic Management Plan given by Festival Republic at Bramham Park and were driven around the proposed vehicle routes. management plan on 23 April 2009.

3.11 Members resolved:

- a) That the representatives of Festival Republic Ltd be thanked for their presentation
- b) That the comments of the Committee having regard to the findings of the site visit and the contents of the presentation be noted
- c) To note the contents of the draft TMP at this stage
- d) To note that the final TMP will form part of the final overall Event Management Plan for the 2009 Leeds Festival which will be presented to the Committee in due course.

3.12 Multi Agency and Traffic Management meetings have continued and all agencies are satisfied with the information provided by Festival Republic. The Traffic Management Plan as presented to the members of the Licensing Committee has been agreed by the relevant agencies.

#### **4.0 Implications for Council Policy and Government**

4.1 There are no implications for Council policy and governance in respect of determining this application.

#### **5.0 Legal and Resource Implications**

5.1 There are no legal or resource implications

#### **6.0 Options Available to Members**

6.1 Members of the Licensing Committee must make decisions with a view to promoting the Licensing objectives which are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

6.2 The Licensing Committee may take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- Approve the Event Management Plan as submitted
- Give delegated authority to the Assistant Chief Executive (Corporate Governance) to approve the Event Management Plan prior to the start of the event.
- Give delegated authority to the Assistant Chief Executive (Corporate Governance) to approve any minor amendments to the Event Management Plan prior to the start of the event.
- Reject the Event Management Plan.

#### **7.0 Recommendations**

7.1 That Members consider the Event Management Plan and take such steps set out in paragraph 6.2 as they consider appropriate

### **BACKGROUND PAPERS**

- Guidance issued under section 182 of the Licensing Act 2003.
- Leeds City Council Licensing Policy
- The Leeds Festival Event Management Plan





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**SUMMARY OF CHANGES LEEDS FESTIVAL 2009**

**EVENT MANAGEMENT PLAN**

A summary of the proposed changes to the Event Management Plan for Leeds Festival 2009 from the Leeds Festival 2008 version submitted 11<sup>th</sup> August 2008: -

Changes throughout all documents

- Dates changed to 2009 dates
- Tenses changed where appropriate

Changes to the main Event Management Plan document

2.1.c

- Reference to an additional traffic marshall stewarding company – Cash and Traffic Management to be introduced for the first time (subject to contract)

2.5.a

- Campsite opening time for non early birds changed to 03.00 Thursday 27th August in a bid to encourage more off peak arrivals overnight.

2.6.h

- The signage for the medical points will be larger than in previous years to increase their visibility.

2.10.a

- Particular attention will be paid to make sure that the guy ropes at the Festival Republic stage do not restrict the use of the arena emergency exit gates C, D and E.

- Festival Republic to be a 38m round tent

2.15.a

- 2 disabled toilets to be positioned at the Main Stage viewing platform

2.15.g

- We are currently exploring a new design for water points housed in steel stores with the floor palletted or duck boarded so that the overspill water can be piped and drained. This will minimise the wet ground conditions around the water point although the feasibility of creating such points is still in development stage.

- We recognise that the servicing, cleaning and ground conditions of the water points in 2008 were not at a high enough standard. Should the new design of the water points go ahead, this will improve the ground conditions. Should it not go ahead, more woodchip can be laid in advance as a preventative measure. A specific team will be tasked with maintaining the water points to a high standard and this will be carefully and regularly monitored onsite.

- Litter bins will be placed by the water points to minimise a build up of litter.

2.16.e

- Provider of Workers catering to be confirmed.

2.17

- Ian Donaldson replacing Terry Butkeraitis as Designated Premises Supervisor (separate application being submitted to Leeds City Council and West Yorkshire Police)

2.19

- The suggestions for improvement listed in the disabled access report from Leeds City Council for the ramps and viewing platforms will be included in the contract with the company that provide them.

4.1b

- Telephone number for noise complaints hotline to be confirmed

4.2.b.2

- The waste management contractor post festival will be monitored by the Site Manager or another senior member of staff to ensure that the facilities and conditions that their staff work in are satisfactory.

6.1b

- Deputy Event Safety Co-ordinator to be confirmed

6.1f

- Security Co-ordinator to be confirmed

6.1g

- Neil Broadhurst named as Deputy Medical Co-ordinator

6.1h

- Fire Co-ordinator to be confirmed

7.3

- Landline numbers onsite to be confirmed

## 9.1

- The Traffic Management Plan is currently undergoing some very substantial revisions. In the interest of providing a comprehensive, detailed, correct and full plan, this will be submitted under separate cover, once the traffic agencies have outlined their approval of the potential new routing.
- Key issues currently being explored are:
  - Potential rerouting of all traffic from the south via the A1 (M) to the Bramham Interchange junction and then travelling westbound in 2 lanes into site at Red Gates 1, 2 and 2A.
  - Traffic from the north to use brown gate
  - 64% increase in car parking capacity onsite
  - Additional gate on A64 – Red Gate 2A (subject to planning). Planning application submitted to Leeds City Council on the 11th February 2009.
  - Increase in capacity of gates at Red Gate 1, 2 and 2A, all to have 2 lanes in.
  - Holding areas created onsite inside the red gates.
  - Relocation of drop off area to the east of the site to minimise internal crossing
  - Additional car parking area located on the red side of site to minimise internal crossing
  - Contingency plans for routings
  - Appointment of new Traffic Co-ordinator and deputy
  - New car parking company
  - Additional 4 recovery vehicles onsite at key locations
  - Zoned communications from gate to routes inside
- Increase in number of early bird tickets proposed of 20,000 to spread more arrivals onto the Wednesday.

### **Changes to Appendices -**

#### Overall Risk Assessment

- Additional duties highlighted in job description of Event Safety Co-ordinator in terms of overseeing corrective action and auditing. This has previously been the case but has not been reflected in the paperwork.
- Specific staff taking responsibility for key risks more closely identified.
- Additional commitment that for key acts, security personnel in the pit will pre-pour pit cups of water.

- Additional commitment that it will be a condition of contract with tent and marquee companies that they should comply with the recent guidance issued by MUTA in the “Safe Use and Operation of Marquees and Temporary Structures”.
- Drainage work taking place over the winter outlined.
- Information included on the upgrading of the routes from Blue Gate to the village via Moat Road along with the route around Stallion Dip.
- Information included on the new pedestrian walkway.
- 2 additional hazards outlined – injuries from fence jumping and adverse weather meaning venues are closed and subsequent unexpected crowd movements.

Appendix 1, 2 and 3 - Health and Safety Policy, Health and Safety Contract and Health and Safety terms and conditions

- This is currently being rewritten and the updated version will be uploaded onto the shared website as soon as it is available. In the meantime, the most current version is included

Appendix 4 – Staff List

- A number of staff are to be confirmed
- Ian Donaldson named as Designated Premises Supervisor
- New role of Silent Disco Manager

Appendix 5 – Site Plan

Key changes currently being explored are:

- Additional 128 acres of car parking inside Red Gate 1, Red Gate 2 and Red Gate 2A
- Additional 40 acres of car parking inside Brown Gate to be used as overflow parking
- Brown campervan and boutique campsite to change to a car park
- Brown Car Park 1 to change into a campsite joined with the rest of the original Brown campsite
- Rakes Gate and Campervan gate to be relocated
- Relocation of the drop off zone to green car park
- Suggested positions for proposed organised bonfires in Yellow Bubble and Red zones marked.
- Lord Bingley Gate to move to the east.
- Pedestrian walkway from new red car parks by the red gates to Lord Bingley Gate marked.

- Former red drop off car park to merge with the red campsite zone to create a bigger red campsite.

A pdf of version 1 of the 2009 Leeds Festival site plan is on the shared website. Full size hard copies are being sent by post and should arrive with you on Wednesday 18<sup>th</sup> February.

#### Appendix 17 – Major Incident Plan

- Helicopter landing pad to be properly identified on the ground
- Appendix A Emergency contact sheet - to be supplied in the final version format in the interests of clarity.

#### Appendix 22 – Security Report

- Number of HAT teams onsite increased
- A vehicle management team is being introduced to take over the control of onsite vehicle movement instead of security, therefore leaving more security to focus on security issues (subject to contract).
- Non SIA positions removed from the campsites.
- Levels of SIA security in the campsites increased.
- The eviction foot patrol monitors introduced in 2008 did not work as smoothly as they might have done, in terms of getting a monitor to the scene of an eviction quickly enough. As the security in the campsites are now all going to be SIA trained, all security will be able to evict if authorised at the time by their Zone Manager, the Campsite Manager or Security Control. This will be monitored by the Zone Manager.
- The Eviction Tent manager will have a secure metal drugs box
- The Gainsborough covert team in the campsites will be expanded again in order to make sure that there is sufficient cover for any time taken by other members of the covert team to give statements. Coverts will remain with West Yorkshire Police until the police are happy with the information / evidence that they have and will not return to their normal duties until West Yorkshire Police have authorised them to. A contingency team to cover this will therefore be built into the deployment.
- We will work with West Yorkshire Police to improve on the continuity of evidence and evidential recovery. This may involve the Crime Bronze from West Yorkshire Police feeding into the initial briefings of the eviction, covert and response teams, the Eviction Manager and Deputy. The Security Co-ordinator will be specifically tasked with guiding the relevant staff as soon as possible as to whether a particular eviction is likely to be of interest to West Yorkshire Police as an potential arrest and therefore whether they should be transported to the Eviction Tent or the police handover portacabin. This has previously been the case but will be re-emphasised. All relevant staff will be briefed that in the case of a seizure of evidence, the evidence should only be handed to the police so that the evidential chain is not lost.

- We will work with West Yorkshire Police on a separate briefing for the covert team with the Crime Bronze at the start of their duties and a continuing briefing in response to live intelligence
- The fence line in the guest campsite will be changed to steelshield fencing. In the past this fence line has been heras fencing. This will strengthen this perimeter.
- The security company providing dogs and dog handlers will be contracted to provide effective dogs and also to ensure that they wear our tabards so that it is clear that they are a private company.
- A senior member of Festival Republic staff will join the majority of the individual security briefings to ensure that the information that we have passed on to their supervisors, is getting through to all of the staff.
- An egress plan will be developed and disseminated for the crowd movement at the end of the main entertainment at 23.00 each night. This has always been in place in practice but has not been written up. The plan will include the potential use of Hotel and India gate and a redeployment of arena entrance security to those gates to manage the egress and ensure ease of communication. The plan will be implemented and overseen by the Arena Entrance Manager.
- We are currently exploring the possibilities for the CCTV camera system to be completely self contained in terms of communication links and generators. This will give the contractor greater control over his service.
- We are also exploring locating all of the campsite CCTV onto telegraph poles situated close to the fire towers. Previously they have been mounted on fire towers but this can mean that the cameras are not as steady as they might be, and also means that invariably lighting is located near by that can reduce the effectiveness of the picture through glare.
- We are exploring the use of panther lamps by the Zone Managers as a technique to prevent anti social behaviour. This was trialed last year in Blue Valley campsite and if a group were seen behaving anti socially, the light was shone on them, meaning that they were aware they had been spotted and more often than not, stopped misbehaving.
- We are consulting with Bramham Park to try and widen the 2 pinch points in the village area leading to the campsites.

#### Appendix 33 – Security Placement Schedule

- Non SIA security positions removed from the campsites
- 50% increase in SIA security in the campsites
- 41% increase in CAT teams
- 100% increase in Helpful Arena Teams
- Cash and Traffic Management detailed as covering internal traffic positions

#### Appendix 34 – CCTV plan

- 2 additional cameras located at Red Gates 1 and 2A



#### Appendix 38 – Onsite Traffic Management Plan

- Details of a new company – Cash and Traffic Management (subject to contract) - being introduced with specific duties in onsite traffic control. Previously this has been handled by security companies who have had other duties in addition. This will enable a tighter control and a more focused approach to the management of onsite vehicles.
- Cash and Traffic Management (subject to contract) to take control of all vehicle movement onsite to include staff, contractor and trader vehicle movement. They will man all the key internal routes and will be tasked with a particular focus on making sure that the site speed limit is enforced.

#### Appendix 55 – Essential Information for Traders

- Directions to site for traders to be confirmed (pending confirmation of the main traffic management plan)
- Note reminding traders of their obligations under the Control of Noise at Work regulations

#### Appendix 73 – Noise Management Plan

- The suggested revised offsite monitoring position in Barwick in Elmet is at the junction of Kiddal Lane with the A64.
- Bronze Noise Co-ordinator to no longer be based at Licensing Compliance Office during high risk hours in order that he can be roving in response to any problems. The Bronze Noise Co-ordinator remains available to meet with Leeds City Council at any time during the hours of regulated entertainment.
- A landline number for the noise consultant will be provided to Leeds City Council to ensure that they are able to speak to RPS at all times, should text messages and mobiles become unreliable.
- No fireworks currently planned.
- The campsite DJs or Zone Managers for the relevant zone will be required to radio into the Licensing Office as their system finishes to ensure that they all finish on time.
- The campsite DJs will only start at 23.00.
- The sound systems at the campsite DJs will have sound limiters in place and the orientation of the speakers will be reviewed.

#### Appendix 77 – Campsite Management Plan

- This year for the first time, all security positions in the campsites will be covered by SIA security. This is in effect an upgrade of the quality and training of the security staff in the campsites and also means that there are more people on the ground who are able to deal effectively with licensable duties such as searching, eviction and confiscations.
- The Security auditors will come from a different company this year

- 41% increase in CAT teams
- Outline of new proposal to create organized bonfires -
- We would like to explore with the relevant agencies the possibility of organized bonfires on the Sunday night. Festival goers would take their clean non toxic waste to be burnt to the allocated area for the bonfire and we would use it to build a bonfire. This would then be lit on the Sunday night after 23.00 hrs. The current thought is to create these areas, subject to agency approval, in the Red and Yellow Bubble campsite zones only.
- Anti social behaviour at Leeds Festival has been much better in recent years. The last time that any significant anti social behaviour occurred was in 2005. Nevertheless it is apparent that a small minority of festival goers on the Sunday night will create and light unauthorised bonfires regardless of all of the best efforts of our security and all of our publicity in advance and onsite about how this is prohibited. On occasion in previous years the operational decision has been made by Security Control to let the bonfire burn out while closely monitoring it via security and fire marshals and this has meant that there has been no confrontation over it and no escalation of anti social behaviour. This is not a widespread problem throughout the site, for example in 2008 there were around five of these bonfires in total on the Sunday night and all of them passed off without incident, but we still feel that a review of our policy is timely and helpful.
- Given that it appears that some festival goers will always start bonfires that then attract an audience, we would like to remove these spectators from unauthorised bonfires, and instead give them a competing authorised bonfire that is located at the safest possible site. We believe that without an audience, these perpetrators of unorganised bonfires may cease from lighting them and then fuelling them.
- Our aim is not to increase the number of bonfires onsite, but only to replace unauthorised bonfires with organised, structured, safe and authorised bonfires.
- The creation of an organised place for a bonfire, gives us the ability to locate the fire at the best possible and safest site just by a gate in the perimeter fence by the sterile route which would enable excellent emergency access straight into the location. A fire crew would be based permanently on the other side of the fence. These locations would also give us the best monitoring positions via fire towers, CCTV and on the ground staff. Security staff and fire marshals would be based at the sites of the organised bonfires 24 hours a day while the site is open in order to supervise the building of the bonfires and then the lighting of them.
- We would supervise the building of the bonfires to ensure that we have control over what is burnt and to ensure that for example gas canisters are not added within the materials to be burnt and that toxic fumes and smoke are not created.
- We are developing a system for dousing the fire from within at its central point by running a pipe at least 1m underground under the fire, from outside the perimeter, with a jet spray. This pipe would form the central supporting post of the fire and would enable us to put out the fire quickly and without the need for a response from the fire safety team although they will be based just outside the perimeter at all times when the fire is burning and be available to immediately respond . Our aim in creating the jet spray system is to create a way of putting out the fire should we need to, without creating a spectacle or target that might attract anti social behaviour.
- There would be an exclusion zone around the fire of 5m.

- Firewood will be sold in the red and yellow bubble campsites to encourage festival goers to purchase clean wood for burning, rather than only in the village as has been the case in previous years.
- Should agencies agree to us exploring this idea in principle, a more detailed plan including deployments and the layout for each location will be developed and submitted for approval.
- The red and brown campsite zones will be increased in size compared to 2008.
- Lord Bingley gate will move to the east to the top of the hill entering into Orange campsite. This will provide better topography for any queuing outside the gate.
- The position of Rakes Gate and Campervan Gate will relocate to the north due to the new perimeter fencing line of the Brown campsite and the relative positions of the car parks.
- Emergency access into the campsites will be improved as the former position of Lord Bingley gate will become a further emergency access point directly into Piccadilly Circus.

Appendix 91 Zone Management Chart

- Changed to reflect the revised breakdown and numbers of staff in each campsite zone.

**Proposed days and hours of the Premises Licence for 2009**

Hours open to the public

14.00 Wednesday 26<sup>th</sup> August to 12.00 Monday 31<sup>st</sup> August

Late night refreshment

23.00 Wednesday 26<sup>th</sup> August to 05.00 Monday 31<sup>st</sup> August inclusive

Alcohol sales to ticket holders

17.00 – 03.00 Wednesday 26<sup>th</sup> August

11.00 – 03.00 Thursday 27<sup>th</sup> to Sunday 30<sup>th</sup> August inclusive

Alcohol sales to staff

24 hours from 17.00 Monday 24<sup>th</sup> August to 23.00 Tuesday 1<sup>st</sup> September inclusive

Regulated entertainment

Thursday 27<sup>th</sup> August 19.00 – 03.00

Friday 28<sup>th</sup> August 12.00 – 06.00

Saturday 29<sup>th</sup> August 12.00 – 06.00

Sunday 30<sup>th</sup> August 12.00 – 06.00

Throughout where it says eg 11.00 to 03.00 Sunday, the 03.00 refers to Monday morning. These are the same timings as in 2008.

**APPENDIX 2**

**CHECK LIST**

**REQUIRED 28 DAYS PRIOR TO THE EVENT**

**90% OF PNC NAMES FOR CHECKING RECEIVED**

**TOW AWAY CONTRACTORS INFORMATION RECEIVED**

**SIGNAGE AND CONING INFORMATION RECEIVED**

**SHUTTLE BUS TIMETABLE RECEIVED**

**SECURITY PLACEMENT SCHEDULE RECEIVED**

**MEDICAL RECEIVED**

**STRUCTURAL INFO ON NEW STRUCTURES RECEIVED**

**TENT CALKS FOR NEW STRUCTURES RECEIVED**

**FIRE EXTINGUISHER ALLOCATION AND  
FIRE SAFETY TEAM STAFFING DETAILS RECEIVED**

**MAJOR INCIDENT PLAN RECEIVED**

**CANCELLATION CONTINGENCY PLAN RECEIVED**

**STOPPING THE MUSIC PLAN RECEIVED**

**TRAFFIC MANAGEMENT PLAN RECEIVED**

**FOOD TRADERS DETAILS RECEIVED**

**FUNFAIR CERTIFICATION AND INSURANCE RECEIVED**

**REQUIRED 14 DAYS PRIOR TO EVENT**

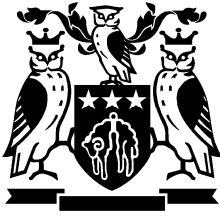
**FINAL PNC INFORMATION OUTSTANDING**

**SECURITY/STEWARDS UNIFORMS RECEIVED**

**A3 GRIDDED COLOUR MAPS OUTSTANDING**

**REQUIRED 7 DAYS PRIOR TO EVENT**

<b>INSURANCE CERTIFICATION</b>	<b>RECEIVED</b>
<b>INFO ON PYROTECHNICS</b>	<b>RECEIVED</b>
<b>EVENT MANAGEMENT SECOND DRAFT</b>	<b>RECEIVED</b>
<b>CONTACT DETAILS FOR KEY MANAGEMENT</b>	<b>RECEIVED</b>
<b>LOST PROPERTY DETAILS</b>	<b>RECEIVED</b>
<b>REQUIRED 5 DAYS PRIOR TO EVENT</b>	
POTABILITY CERTIFICATION	OUTSTANDING
<b>REQUIRED 3 DAYS PRIOR TO EVENT</b>	
FIRE WARNING SYSTEM TEST	OUTSTANDING
CAMP SITE INSPECTIONS	OUTSTANDING
<b>REQUIRED 2 DAYS PRIOR TO EVENT</b>	
ARENA INSPECTION	OUTSTANDING
ELECTRICAL CERTIFICATE	OUTSTANDING
<b>REQUIRED 1 DAY PRIOR TO THE EVENT</b>	
COMPLETION CERTIFICATES	OUTSTANDING
NOISE PROPAGATION TEST	OUTSTANDING



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**Report of the Assistant Chief Executive (Corporate Governance)**

**Report to Licensing Committee**

**Date: 4 August 2009**

**Subject: Proposed Procedure to be adopted where Parties agree Conditions to be applied to Premises Licences and Club Premises Certificates**

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<p><b>Electoral wards affected:</b></p> <p>All</p>	<p><b>Specific implications for:</b></p> <p>Ethnic minorities <input type="checkbox"/></p> <p>Women <input type="checkbox"/></p> <p>Disabled people <input type="checkbox"/></p> <p>Narrowing the gap <input type="checkbox"/></p>
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**Executive Summary**

1. This report follows on from the report to Licensing Committee dated 2 June 2009 regarding the implications of the recent case of R (on the application of Bristol City Council) v Bristol Magistrates Court. That report advised Members as follows:

- Conditions should not be imposed which are adequately dealt with by other legislation.
- Matters in the Operating Schedule are not automatically included in a Premises Licence which is granted, even if agreed to by the applicant.
- Sub-Committee Members must be sure that it is necessary to impose any conditions in order to promote the licensing objectives, even where such

conditions have been agreed by the parties.

2. The report noted the implications of the case for the existing process by which parties agree conditions to be incorporated into the Operating Schedule, and noted that in future such cases will need to be referred to Committee irrespective of that agreement, subject to the power to dispense with a hearing. Members were advised that more hearings may be necessary in future.
  
3. This report deals with the power to dispense with a hearing if all parties agree, and suggests amendments to the existing process of reaching agreements with the applicants. The revised process will allow parties to reach agreement and dispense with a hearing so that the Sub-Committee can consider the matter administratively without the parties present. This would enable such cases to be dealt with speedily at the beginning or end of the Sub-Committee sitting.



## **1.0 Purpose of this Report**

- 1.1 The purpose of this report is to advise Members of a proposed procedure for dispensing with hearings where all the parties concerned reach agreement and to seek approval for the process.

## **2.0 Background Information**

- 2.1 On 2 June 2009, the Licensing Committee considered a report on the implications of recent case of R (on the application of Bristol City Council) v Bristol Magistrates Court. The effect of that case was that the existing process by which parties reach agreement was called into question.
- 2.2 Under the process pre Somerfield, parties used to negotiate on proposed conditions. Once those conditions had been agreed, the applicant would sign a "Part B" signifying their consent to incorporating the matters into the Operating Schedule, whereupon the relevant agency would withdraw the representation. One of the matters raised in the Somerfield case was that there is no automatic conversion of conditions within the Operating Schedule to conditions on the Premises Licence or Club Premises Certificate. In future, it will be necessary for conditions proposed in the Operating Schedule to be considered, and they will only be incorporated into the Premises Licence if they are necessary to promote the licensing objectives and they do not duplicate other legislation.
- 2.3 The effect of the Somerfield decision is that the parties could no longer have confidence that the agreement they had reached with the applicant would result in conditions on the Operating Schedule, and as such they may prefer not to withdraw their representation. Where a representation is not withdrawn, the matter must proceed to a hearing.
- 2.4 The effect of this has been to increase the number of hearings before Sub-Committees. In a number of such cases, agreements have been reached between the parties, but it has been necessary for the parties to attend and to confirm that agreement to the Sub-Committee, who would then consider whether or not conditions needed to be imposed on the Licence.

## **3.0 Main Issues**

- 3.1 Hearings under the Licensing Act 2003 are governed by the Licensing Act 2003 (Hearings) Regulations 2005, SI 2005, No.44. Regulation 9 provides as follows:

### **Right to dispense with hearing if all parties agree**

9(1) – an authority may dispense with holding a hearing if all persons required by the Act to agree that such a hearing is unnecessary, other than the authority itself, have done so by giving notice to the authority that they consider a hearing to be unnecessary.

9(2) – where all the persons required by the Act to agree that a hearing is unnecessary have done so in accordance with paragraph (1), the authority, if it agrees that a hearing is unnecessary, must forthwith give notice to the parties that the hearing has been dispensed with.

- 3.2 It is therefore proposed that a new procedure be adopted where agreements have been reached between the parties. That new procedure is summarised at Appendix

A to this report, and utilises the power to dispense with a hearing where it is unnecessary.

- 3.3 It is proposed that in future where agreements are reached, the parties sign a revised Part B which signifies the applicant's agreement to the conditions proposed by the responsible authority, and confirms that the conditions agreed to are both necessary and do not duplicate other legislation. When all representations have been the subject of a signed Part B, then the Entertainment Licensing Section will give notice dispensing with a hearing, advising the parties that the matter will be dealt with by the Sub-Committee administratively.
- 3.4 Members should note that Officers may not determine the matter administratively even though a hearing has been dispensed with as the representations have not been withdrawn.
- 3.5 The effect of this proposal is that the Sub-Committee will consider the matter on paper without the attendance of any party. If the Sub-Committee are satisfied that it is necessary to impose the agreed conditions, then it will do so without hearing any representations. In the event that the Committee is not so satisfied, then the application should be adjourned using the powers in Regulation 12 on the grounds that it is necessary to do so for consideration of any representations made or notice made by a party. Adjournments must be to a specified date, and will therefore be to the next available Sub-Committee Schedule. In that way, parties who reach agreement can have confidence that either their agreement will be upheld by the Sub-Committee or, if there are concerns about the agreement, the matter will be adjourned off, giving them a right to be heard.
- 3.6 The proposal outlined at 3.3 and 3.5 above allows for the scheduling of such matters together, either at the beginning of a Sub-Committee sitting between say 10.00 am and 10.30 am, before moving on to contested matters. Alternatively, such hearings could be dealt with at the conclusion of the contested matters before the Licensing Sub-Committee.
- 3.7 An additional advantage of this proposal is that in those cases where representations are made by interested parties (the public) as well as by responsible authorities, the hearing will not be dispensed with unless all parties, including the public, agree. Effectively, therefore, the responsible authorities will need to attend such hearings on the basis that there are still outstanding representations from members of the public, even though they may be able to reach an agreement with the applicant.

#### **4.0 Implications for Council Policy and Governance**

- 4.1 The proposed procedure is in line with the recent decision in the Somerfield case. It also ensures that the duly appointed Members of the Licensing Sub-Committees make decisions in accordance with their delegated authority.
- 4.2 The proposed process will also allow Sub-Committee Members to hear the views of responsible authorities as well as those of the public, whereas under the previous process the responsible authorities would not be in attendance wherever they have reached agreement, irrespective of the fact that there were still public representations outstanding.

#### **5.0 Legal and Resource Implications**

- 5.1 The proposed procedure is in line with the recent decision in the Somerfield case.
- 5.2 On 2 June 2009, Members resolved to revert to a weekly Sub-Committee schedule, and therefore there are no additional resource implications from this process. Adopting this procedure will reduce the number of cases coming to full hearings where agreement has been reached. The implications for the schedule of applications before Sub Committees should be reviewed after 6 months of operation

## **6.0 Conclusions**

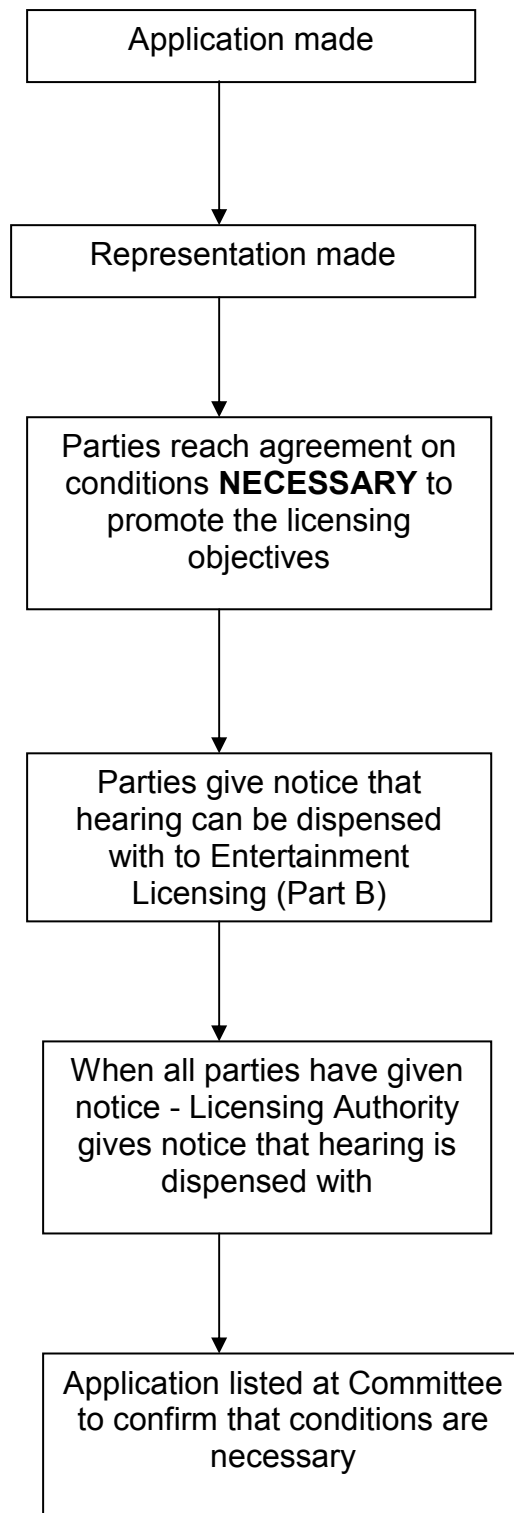
- 6.1 The decision in the Somerfield case requires the Council to consider how it deals with applications in future, where the Part B process would previously have been utilised.
- 6.2 The proposed procedure outlined in this report is compliant with the legal requirements, makes best use of resources and promotes good decision making.

## **7.0 Recommendations**

- 7.1 That Members approve the process for dispensing with a hearing where all parties have reached agreement, as outlined in this report under Appendix A and agree to review the implications of the new process for committee schedules after 6 months.

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## DISPENSING WITH A HEARING



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