

Final Consultation Report

Statement of Licensing Policy 2010 – 2013

Gambling Act 2005

Contents

Executive Summary	3
Introduction	4
Background Information	4
The Licensing Objectives	4
Purpose of the Statement of Licensing Policy	5
Purpose of the Consultation	5
Consultation Methodology	5
First Draft Consultation Response	6
Officer comments	6
Consultation with Responsible Authorities	6
West Yorkshire Police	6
Safeguarding Children's Board	7
Public Consultation Response	11
The Racecourse Association Ltd	11
British Beer and Pub Association	13
Rank Group	15
Web responses	20
Conclusion	22
Appendix 1 – Change Document	23

Executive Summary

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

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

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

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

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

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

Introduction

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

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

Background Information

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

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

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

The Licensing Objectives

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

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

Purpose of the Statement of Licensing Policy

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

Purpose of the Consultation

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

Consultation Methodology

The following activities took place:

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

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

First Draft Consultation Response

Officer Comments

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

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

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

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

Consultation with Responsible Authorities

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

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

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

West Yorkshire Police

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

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

Safeguarding Children's Board

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

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

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

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

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

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

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

Section ' Protection of vulnerable people'

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

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

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

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

Original Text

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

Protection of children

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

Protection of vulnerable people

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

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

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

Amended text:

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

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

Meaning of "child" and "young person"

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

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

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

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

[Protection of vulnerable people](#)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public Consultation Responses

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

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

The Racecourse Association Ltd

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

The Racecourse Association made five comments:

Location (Part C, paragraph 13.10)

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

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

Action: None.

Conditions (Part C, Paragraph 13.13 and 19.10)

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

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

Action: None.

Door Supervisors (Part C Paragraph 13.20)

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

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

Action: None.

Betting Machines (Part C Paragraph 19.8)

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

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

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

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

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

Action: None.

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

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

Comment: The Gambling Policy states that the council may require the track operator to ensure that the rules are prominently displayed in or near the betting areas, **or** that the rules are displayed in the race-card or made available in leaflet form from the track office. However the mandatory condition applied to all betting (track) premises licences states "The terms on which a bet may be placed must be displayed in a prominent place within the premises to which customers wishing to use facilities for betting have unrestricted access."

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

British Beer and Pub Association

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

The protection of children and vulnerable persons

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

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

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

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

Action: None.

Grant of additional permits

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

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

- 23.2 If a premises wishes to have more than two machines, then it needs to apply for a permit and the council must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "such matters as they think relevant." The council considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. The council will also expect the applicant to satisfy the authority that there will be sufficient measures to ensure that children and young people under the age of 128 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 28 years will be prevented from using the machines may include the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised.

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

Action: None.

Application procedures for more than two machines

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

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

Action: None.

Rank Group

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

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

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

Action: None.

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

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

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

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

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

Action: None.

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

Comment: Agreed

Action: Alter the word bring to brought.

6.4 – We believe that the planning authority is omitted

Comment: Agreed

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

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

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

Action: None.

Part B Promotion of the Licensing Objectives

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

Comment: Agreed.

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

Para 12 Protection of the vulnerable and children.

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

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

Action: None.

Part C Premises Licence

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

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

Action: None.

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

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

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

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

Comment: Agreed.

Action: Include a reference to LCCP.

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

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

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

Action: None.

16 Casinos

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

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

Action: Include a sentence regarding equal chance gaming.

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

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

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

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

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

Action: Remove paragraph.

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

Comment: None.

Action: None.

17 Bingo Premises

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

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

Action: None.

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

Comment: Agreed.

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

18 Betting Premises

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

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

Action: None.

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

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

Action: None.

Part D Permits

Para 23 – Alcohol Licensed Premises

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

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

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

Para 25 – Club gaming and machine permits

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

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

Action: None.

Reponses from members of the public – anonymised

There were 21 responses received via the web form.

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

Response 6004005

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

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

Action: None.

Response 6004040

I found it a comprehensive and easily understood document.

Comment: No comment.

Action: None.

Response 6004353

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

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

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

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

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

Action: None.

Response 6005434

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

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

Action: None.

Conclusion

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

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

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

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

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

APPENDIX 1 - CHANGE DOCUMENT

Document Title: Gambling Act 2005 Statement of Licensing Policy Review

Contact for enquiries: Sue Holden ext: 51863

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

1.4	The council will also follow any regulations and statutory guidance issued in accordance with the Act and have regard to any codes of practice issued by the national gambling regulator, the Gambling Commission.	1.4	The council will also follow any regulations and statutory guidance issued in accordance with the Act and have regard to any codes of practice issued by the national gambling regulator, the Gambling Commission (www.gamblingcommission.gov.uk).	Final draft 05/10/09
2. The Leeds district				
No major changes				
3. The purpose of the Gambling Act 2005 – Statement of Licensing Policy				
3.2	<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"> • West Yorkshire Police • the Local Safeguarding Children Board • representatives of local businesses (including Leeds Chamber of Commerce and the Federation of Small Businesses) • members of the public • the Gambling Commission • community representatives • town councils in the district • parish councils in the district • local Members of Parliament • national bodies representing the gambling trade • national charities concerned with the social impact of gambling • other charities offering support to alcohol and drugs users • representatives of existing licence holders • Yorkshire Forward (the regional development 	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"> • 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 	First draft 27/04/09

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

6. Responsible authorities				
6.3	In accordance with the regulations the council designates the Local Safeguarding Children Board for this purpose.	6.3	In accordance with the regulations the council designates the Local Safeguarding Children Board for this purpose. Leeds Safeguarding Children Board have produced a "West Yorkshire Consortium Procedures Manual which can be found at http://www.procedures.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.	Second draft 05/06/09
6.4	The contact details of all the responsible authorities under the Gambling Act 2005 can be found in our application packs and on our website at: www.leeds.gov.uk/licensing	6.4	The contact details of all the responsible authorities under the Gambling Act 2005 are: <p>The Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP</p> <p>West Yorkshire Police Robert Patterson Leeds District Licensing Officer Millgarth Police Station Leeds LS2 7HX</p> <p>Leeds Safe Guarding Children Board Merrion House 110 Merrion Centre Leeds LS2 8QB</p> <p>Tel: 0121 230 6666 Fax: 0121 233 1096 info@gamblingcommission.gov.uk</p> <p>T: 0113 241 4023</p> <p>T: 0113 247 8543 administrator@leedslscb.org.uk</p>	First draft 27/04/09 Final draft 05/10/09

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

9. Licensing authority function

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

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

12.1	REMOVE	12.1	(as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children)	Final draft 05/10/09
	INSERT	12.2	<p>The Act provides the following definition for child and young adult in Section 45:</p> <p style="padding-left: 40px;">Meaning of "child" and "young person"</p> <p style="padding-left: 40px;">(3) In this Act "child" means an individual who is less than 16 years old.</p> <p style="padding-left: 40px;">(4) In this Act "young person" means an individual who is not a child but who is less than 18 years old.</p> <p>For the purpose of this section protection of children will encompass both child and young person as defined by the Act.</p>	Second draft 05/06/09
12.2	This council will pay particular attention to any codes of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos.	12.3	The council will pay particular attention to any codes of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos.	Second draft 05/06/09
12.3	Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.	12.4	Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.	Second draft 05/06/09
12.4	<p>Protection of vulnerable people</p> <p>As regards the term "vulnerable persons", the council is not seeking to offer a definition but will, for regulatory purposes assume that this group includes people who gamble more than they want to, people who gamble</p>	12.5	<p>Protection of vulnerable people</p> <p>The council is aware of the difficulty in defining the term "vulnerable person".</p>	Second draft 05/06/09

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

	access information about problem gambling. The council will communicate any concerns to the Gambling Commission about any absence of this required information.			
	INSERT	12.6	<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>	Second draft 05/06/09
	INSERT	12.7	<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>	Second draft 05/06/09
	INSERT	12.8	<p>In the case of premises licences the council is aware of the extensive requirements set out for operators in the Gambling Commissions Code of Practice. In this document the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:</p> <ul style="list-style-type: none"> • Combating problem gambling • Access to gambling by children and young 	Second draft 05/06/09

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

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

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

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

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

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

			Casino Premises Licence.	
	All other parts of part 16 deleted	16.7	The Council is currently putting arrangements in place to hold the competition for the Large Casino Premises Licence. The statement of principles for the large casino process will be consulted upon during 2010 with a view to run the competition at some point after that.	First draft 27/04/09
17. Bingo Premises				
17.3	The Gambling Commission has issued further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This guidance will be considered by the council once it is made available.	17.3	The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The council will take this into consideration when determining licence applications for bingo premises.	Final draft 05/10/09
18. Betting Premises				
No major changes				
19. Tracks				
19.9	Condition on rules being displayed – The council will consider any Gambling Commission guidance about the application of conditions regarding rules being displayed. The council may require the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that the rules are displayed in the race-card or made available in leaflet form from the track office.		DELETE	Final draft 05/10/09
20. Travelling Fairs				
No major changes				

21. Provisional Statements				
20.1	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 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).	First draft 27/04/09
22. Unlicensed family entertainment centre gaming machine permits (UFECs)				
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:	First draft 27/04/09
	INSERT	22.4	Statement of Principles 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.	First draft 27/04/09

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

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

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

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

	ensure that under 18 year olds do not use the adult only gaming machines.			
24.7	Measures which may satisfy the council that persons under 18 years old will be prevented from using the machines may include the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised. Notices and signage may also help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.		DELETE	First draft 27/04/09
24.7	Applicants who provide staff to supervise these premises may wish to consider performing CRB checks on staff that may be in regular and prolonged contact with children and vulnerable people.	24.7	Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be CRB checked.	Second draft 05/06/09
26. Temporary Use Notices				
	INSERT	26.2	Temporary Use Notices allow the use of premises for any form of equal chance gambling where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner.	First draft 27/04/09
26.3	REMOVE	26.3	For example, the holder of a casino operating licence could apply for a temporary use notice to provide casino games at a hotel	Final draft 05/10/09
27. Occasional Use Notice (for tracks)				
27.1	The application may be made in writing, to the council by an existing operator who holds an operating licence issued by the ambling Commission.	27.1	The application may be made in writing, to the council by the person responsible for the administration of events on the track or by an occupier of the track.	Final draft 05/10/09

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