



Leicester
City Council

MEETING OF THE LICENSING AND PUBLIC SAFETY COMMITTEE

DATE: TUESDAY, 3 SEPTEMBER 2024

TIME: 5:30 pm

PLACE: Meeting Room G.02, Ground Floor, City Hall, 115 Charles Street, Leicester, LE1 1FZ

Members of the Committee

Councillor Singh Johal – Vice Chair

Councillor Byrne – Co-Vice Chair

Councillor Pickering – Co-Vice Chair

Councillors Adata, Aldred, Barton, Bonham, Cank, Chauhan, Cole, Joshi, Karavadra, Kennedy-Lount and Kitterick

One unallocated Labour Group place

Members of the Committee are summoned to attend the above meeting to consider the items of business listed overleaf.

for The Monitoring Officer

Officer contact : Katie Jordan

Governance Support

Leicester City Council

City Hall, 115 Charles Street, Leicester, LE1 1FZ

(Tel. 0116 454 2616)

Email: Katie.Jordan@leicester.gov.uk

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- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

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PUBLIC SESSION

AGENDA

FIRE / EMERGENCY EVACUATION

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1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members are asked to declare any interests they may have in the business on the agenda.

3. MINUTES OF PREVIOUS MEETING

(Pages 1 - 6)

The minutes of the meeting held on 30th April 2024 have been circulated and the Committee will be asked to confirm them as a correct record.

4. PETITIONS

The Monitoring Officer to report on the receipt of any petitions submitted in accordance with the Council's procedures.

5. QUESTIONS, REPRESENTATIONS, STATEMENTS OF CASE

The Monitoring Officer to report on the receipt of any questions, representations and statements of case submitted in accordance with the Council's procedures.

6. GAMBLING ACT 2005- REVIEW OF POLICY

(Pages 7 - 38)

The Director of Neighbourhood and Environmental Services submits a report to the Committee on the Gambling Act 2005 review of Policy.

Members are asked to note the contents of the report and comment on the policy before it goes to Full Council on 21st November 2024 for approval.

7. ANY OTHER URGENT BUSINESS



Leicester
City Council

Appendix A

Minutes of the Meeting of the
LICENSING AND PUBLIC SAFETY COMMITTEE

Held: TUESDAY, 30 APRIL 2024 at 5:30 pm

P R E S E N T:

Councillor Singh Johal (Chair)
(Vice Chair)

Councillor Adatia
Councillor Cank
Councillor Karavadra

Councillor Chauhan
Councillor Joshi
Councillor Kitterick

* * * * *

1. APOLOGIES FOR ABSENCE

Apologies were received from Cllr Byrne.

2. DECLARATIONS OF INTEREST

Members were asked to declare any interests they may have in the business on the agenda.

Councillor Kitterick declared he was friends with a manager of a local gambling premises and left the meeting before this item was heard.

3. MINUTES OF PREVIOUS MEETING

RESOLVED:

that the minutes of the meeting held on 8th November 2023 be approved as a correct record.

4. PETITIONS

The Monitoring Officer reported that no petitions had been submitted in accordance with the Council's procedures.

5. QUESTIONS, REPRESENTATIONS, STATEMENTS OF CASE

The Monitoring Officer reported that no questions, representations and statements of case had been submitted in accordance with the Council's procedures.

6. TAXI VEHICLE AGE POLICY - RESULT OF CONSULTATION AND NEXT STEPS

The Chair announced that due to the large number of members of the public in attendance to hear the finding of the Taxi Vehicle Age Policy Consultation, this item would be taken first on the agenda.

The Director of Neighbourhood and Environmental Services submitted a report to update the Committee on the findings from the consultation that had taken place between 15th January 2024 and 24th February 2024.

The Licensing Manager (Policy and Applications) presented the report. It was noted that:

- 1311 responses had been received via the online consultation portal, however 595 were discounted as there had been multiple responses from the same respondents.
- In addition responses had also been received directly from the Guide Dogs Charity and Leicester City Council Transportation Team.
- Comments noted in the responses relating to increasing the age of for new vehicles, many respondents commented that buying a new car is too expensive and that the cost-of-living crisis was impacting their livelihood.
- Comments were also made about licences being issued by the City of Wolverhampton Council (CWC) and the impact that this was having on the taxi trade in Leicester. CWC has a more relaxed age policy allowing vehicles up to the age of 12 to be licensed with no restriction on entry age.
- Hackney Carriage respondents stated that the cost of buying a newer vehicle suitable to be a Hackney Carriage was prohibitive, making it impossible to afford.
- Although the vast majority of respondents had asked for the upper age for licensed vehicles to be increased to 15 years, the comments did not necessarily reflect this. Respondents had requested the same age as Wolverhampton 14 years. However this age was incorrect as it was currently 12 years. Some respondents referred to keeping the age limit the same as the current policy or only until the age of 12, which was the temporary policy in place at the moment.
- Private Hire Vehicles showed a fairly even spread across the age range, with an average of 5 years. This meant that the impact of a change in age policy would not be immediate. If the entry age for new vehicles is increased then this would benefit licence holders wishing to replace their existing vehicle, for example due to an accident or mechanical issue.

- Hackney Carriages tended to be older, with a higher proportion aged 9 years or more. Any increase in the upper age limit for vehicles to remain licensed would have an immediate impact on the Hackney Carriage fleet. A change to the entry age of vehicles should enable those who do need a replacement vehicle to source a vehicle more easily.
- Vehicles that were over the age of 11 that have been relicensed under the temporary policy had been required to undergo an additional inspection at the Vehicle Testing Station, so that they are tested every 4 months instead of every 6 months.

Benchmarking work had been completed with a number of local authorities who had reviewed their vehicle age policies in light of the guidance but also due to the impact that cross border hiring had on their licence holders. The aim being to retain their licensed drivers and vehicles and maintain control over the quality and safety of the vehicles that are working in their areas.

The Legal Advisor to the Committee gave advice on their options available and clarified that their decision is to give comment on the proposed options and the final decision would fall with the Deputy City Mayor, for Housing, Economy and Neighbourhoods.

The Chair led on the Member discussions and discussed the appendices as a group. The Chair stated he would agree in line with the consultations findings and support what the Council has recommended.

Members comments:

- Members showed concern that if restrictions were imposed, it could encourage drivers to obtain licenses through other Councils.
- Newer vehicles had better emissions and general safety.
- The economics aren't currently available at the moment for more vehicles to be electric.
- More work needs to be done with nearby authorities, as Leicester Drivers are losing out on work from other licensed drivers.
- Safety was the paramount concern in Leicester, Wolverhampton are the competition and Leicester's standards are much higher and safer.
- Evidence of MOTs for older vehicles should be every 4 months based on the data provided.
- Drivers engaged with Leicester City Council a year ago, surrounding cities license saloon vehicles as Hackney Carriages. Data needs to be compared to nearby cities such as Nottingham, Derby, Coventry and Wolverhampton.

Moved by Councillor Singh Johal, Seconded by Councillor Pickering:

That the Licensing and Public Safety Committee recommend:

- A vehicle can be registered for the first time up to 9 years of age.
- Vehicles to have a 15 year age limit.

- From age 12 years, vehicles must be inspected 3 times per year.

7. NIGHT TIME ECONOMY - AREA ZONING

The Director of Neighbourhoods and Environmental Services submitted a Report to update the Committee on Night Time Economy Area Zoning. Following enquiries from members of the business community to local councillors, there was a request to assess the available locality advice and mechanisms to support residents and businesses in their applications for licences or permits.

The Licensing Team Manager provided the Committee with a detailed introduction to the report, it was noted that:

- In 2023, Leicester City Council conducted a review of its licensing policy, incorporating an "Areas of Special Interest and Consultation" section. This section identifies specific parts of the authority's area that necessitate increased consultation by applicants with responsible authorities.
- The policy did not include explicit references to zoning, as it is not legislatively mandated or provided for within the Act.
- Leicester City Council's Local Plan outlines areas within the city suitable for nighttime economy premises, taking into account residential considerations.
- Leicester City Council presently does not have any Cumulative Impact Areas (CIAs) in effect. Previous CIAs were removed during the last review of the licensing policy due to insufficient data, evidence, and justification of their necessity.
- Despite the removal of Cumulative Impact Areas (CIAs), Leicester City Council implemented an interim measure known as the Areas of Special Interest and Consultation
- The areas of Leicester covered by this section of the policy include:
 - Granby Street, Belvoir Street & Market Street
 - High Street (from the junction of Carts Lane) & St Nicholas Place
 - Braunstone Gate & Narborough Road (up to the railway bridge)
 - Evington Road
 - Belgrave Road & Melton Road (up to the junction of Marfitt Street)

The following additional points were noted in Member Discussions:

- There was no real consistency or criteria on the process the Noise Team used to make decisions on the impact noise from a premises will produce. Clear consistency needs to be agreed on any areas that are measured for noise disruption.
- King Street had become more of a residential area and new bars in the area were opening until 3am, Members were concerned this would cause bigger issues in the long term.
- Evington Road is called an Area of Special Interest by Leicestershire Police. Each venue is looked at in its own merit, we need to take note

when issues are continuous on a particular road or area.

AGREED:

1. Members to note the report.
2. An update is brought to a future meeting on how noise is measured.

8. TAXI VEHICLE CONDITIONS - AMENDMENT

The Director of Neighbourhood and Environmental Services submitted a report to update members and ask the Committee for an amendment in condition wording to ensure that vehicles that are suitable for the purpose of being used as a taxi are not restricted whilst maintaining safety standards.

The licensing Team Manager presented the report and outlined the details. It was explained that the purpose of the report was to ask the Committee for an amendment in condition wording to ensure that vehicles that are suitable for the purpose of being used as a taxi are not restricted whilst maintaining safety standards.

In 2023, a taxi strategy was implemented including the additions & amendments of conditions. One of these conditions related to the minimum light transmission on vehicles. Following discussions with officers and the trade, the condition relating to tinting conflicts with the manufacturers' standards and therefore is limiting the vehicles that can be licensed.

The proposed wording amendment is as follows:

The minimum light transmission through the windows shall be as follows:

- The front windscreen must allow 75% of light through;
- The front side windows must allow 70% of light through;
- The rear windows must be standard factory fitted, installed by the car manufacturer at the time the vehicle was built. After market or retro fitted tints will not be allowed.

Any replacement rear window must replicate the same visible light transmission as the original standard factory fitted.

AGREED:

1. Members noted the report.
2. Members accepted the proposed amendments to the Taxi Vehicle Conditions wording.

9. STATEMENT OF GAMBLING POLICY

The Director of Neighbourhood and Environmental Services submitted a draft Statement of Gambling Policy for Members of the Committee to review.

The Licensing Team Manager (Policy and Applications) presented the report

and outlined the details of the Consultation. The Statement of Gambling Policy would include a new section with findings from the Public Health Team. The revised Statement of Gambling Policy must be published 4 weeks before the current policy runs out in January 2025.

AGREED:

1. Members note the draft copy of the Statement of Gambling Policy.
2. The updated policy will return to the next Licensing and Public Safety Committee.

10. ANY OTHER URGENT BUSINESS

With there being no further business, the meeting closed at 6.46pm.

Gambling Act 2005– Review of Policy

Licensing and Public Safety Committee

Decision to be taken by: Licensing and Public Safety
Committee

Decision to be taken on/Date of meeting: 03/09/2024

Lead director/officer: Sean Atterbury, Director of
Neighbourhood and Environmental Services

Useful information

- Ward(s) affected: All
- Report author: Deborah Bragg Licensing Manager (Policy and Applications)
- Author contact details: deborah.bragg@leicester.gov.uk
- Report version number: 1

1 Summary

- 1.1 The Gambling Act 2005 came into effect in 2007. As Licensing Authority, Leicester City Council is required to publish its Gambling Policy for 2025-2028 no later than 3 January 2025 (4 weeks before the new policy takes effect).
- 1.2 The current policy has not caused any problems since it came into effect in February 2022 however slight amendments have been made to reflect address changes for the Licensing Authority and a new section has been included to include information from the Public Health Team and their findings in their recent 'Gambling Harms Needs Assessment'. Applicants are asked to take this into account when submitting their applications.
- 1.3 The purpose of this report is to seek the Committee's views on the Councils' Gambling Policy for the coming three years, prior to it being taken to Full Council on 21 November 2024 for approval.

2 Determination to be made

- 2.1 Members are asked to note the contents of the report and comment on the policy before it goes to Full Council on 21st November 2024 for approval.

3 Scrutiny/Stakeholder Engagement

- 3.1 In accordance with the Gambling Act 2005 , consultation has taken place with:-
 - The Chief Officer of Police
 - Representatives of the gambling trade;
 - Representatives of people who may be affected by the Gambling Policy
- 3.2 The consultation was available online via the Councils' Consultation Hub a link for which was circulated by email and post to all existing licence holders and stakeholders including industry representatives.
- 3.3 The consultation took place between 12th July 2024 and 18th August 2024.
- 3.4 We received 23 responses to the consultation and a copy of the responses received are attached at Appendix A to the report.

4 Detailed report

- 4.1 Leicester City Council's current policy is valid until 31 January 2025.

Gambling Policy for 2025-2028

4.2 Slight amendments have been made to the previous policy to reflect address changes within the Licensing Authority, and a new section has been included to include information from the Public Health Team and the findings in their recent 'Gambling Harms Needs Assessment'. Applicants are asked to take this into account when submitting their applications. The draft policy that went out to consultation is attached at Appendix B. This is the policy being put forward for approval to Full Council.

4.3 No respondents to the consultation have suggested any further changes to the policy. There are positive comments regarding the inclusion of the section on Public Health in the policy:-

'Good to have this in depth assessment to inform future risk assessing.'

'Good to see changes made to recognise potential "harm that could be caused by gambling in certain people'

4.4 A direct response to the consultation has been received from Gosschalks Solicitors on behalf of the Betting and Gaming Council. This is attached at Appendix C to the report. In their submission, which is quite detailed about the work they do, they have specifically mentioned Section 6 of the new policy and stated as follows:-

'The new Section 6 in Part A should be removed or, at least, redrafted as the information contained therein is inaccurate and potentially therefore prejudicial to any applicant. The section takes the accepted NHS Health Survey figure that problem gambling rates among adults is 0.4% and applies this to the entire population of Leicester.'

The figure for Leicester's population is given as 368,600 but this is the entire (not adult) population. The council's own figures state that there are around 55,000 children attending primary or secondary school in Leicester and on top of that number, there are pre-school and nursery children and those over 16 but under 18 in employment. The extrapolated figures given therefore, cannot be correct and without any accurate figures with regard to the population of those under 18, all of the extrapolated figures should be removed'

4.5 The information contained with Section 6 has been taken directly from the Public Health Teams document 'Leicester City Gambling Harms Needs Assessment Executive Summary'. A link to the full document will be included within the final policy so that applicants can see the whole report and in particular the age profile of the City. It is recommended the comments be noted and when the Gambling Commission come forward with changes to their guidance to Local Authorities that this part is reviewed again.

5. Financial, legal, equalities, climate emergency and other implications

5.1 Financial implications

There are no financial implications arising from this report.

Stuart McAvoy – Head of Finance

5.2 Legal implications

Licensing authorities are required to pursue the licensing objectives detailed in section 1 of the Gambling Act 2005, namely the objectives of – (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime, (b) ensuring that gambling is conducted in a fair and open way, and (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

Section 349 of the Act provides:

(1) A licensing authority shall before each successive period of three years –
(a) prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period, and
(b) publish the statement.

(2) A licensing authority shall –
(a) review their statement under this section from time to time,
(b) if they think it necessary in the light of a review, revise the statement, and
(c) publish any revision before giving it effect.

(3) In preparing a statement or revision under this section a licensing authority shall consult–

(a) either–

(i) in England and Wales, the chief officer of police for the authority's area, or
(ii) in Scotland, the chief constable of the police force maintained for the police area comprising that area,

(b) one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area, and

(c) one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.

John Moss, Solicitor - 373010

5.3 Equalities implications

Under the Equality Act 2010, public authorities have a Public Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

In order to assess the likely impact of the policy on persons living, visiting and working within the city and demonstrate that the consideration of equalities impacts has been taken into account in the development of the proposal and as an integral part of the decision making process, it is recommended that an Equalities Impact Assessment is undertaken.

The Equality Impact Assessment is an iterative document which should be revisited throughout the decision making process and should, ultimately, also take into account any consultation findings. The findings of the Equality Impact Assessment should be shared, throughout the process, with decision makers in order to inform their considerations and decision making. It is important that the consultation process is fair, accessible and proportionate.

Equalities officer, Surinder Singh, Ext 37 4148

5.4 Climate Emergency implications

There are no significant climate emergency implications directly associated with this report.

Aidan Davis, Sustainability Officer, Ext 37 2284

5.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

None.

6. Background information and other papers:

None.

7. Summary of appendices:

Appendix A – Draft Gambling Policy for 2025-2028

Appendix B – Responses to Consultation

8. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?

No

9. Is this a “key decision”? If so, why?

No

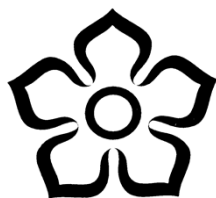
Appendix A

Status of responder	Organisation Name	Section 2 Introduction	Section 5 Interested Parties	Section 6 Public Health and Gambling in Leicester – New Section	Section 7 Title Change	Section 8 Title Change/Address Update	Section 9 Title Change	Section 10 Title Change	Comments
A resident of Leicester									No problems with any of the amends
A resident of Leicester									
The holder of an existing licence or permit under the Gambling Act 2005	Independent Order of Odd Fellows, Leicestershire District Lodge	No comment	No comment	No comment	No comment	No comment	No comment	No comment	NONE
An organisation	Christ the King Church								On the face of it these amendments are just catching up with reality
The holder of an existing licence or permit under the Gambling Act 2005	Leicestershire Caravan Club Centre								
The holder of an existing licence or permit under the Gambling Act 2005	ST PAULS PCC	NONE	NONE	NONE	NONE	NONE	NONE	NONE	NONE
Not Answered	Nottingham Imperial Order of Oddfellows Club and Institute								No
The holder of an existing licence or permit under the Gambling Act 2005	Leicester Hospitals Charity -Lottery	Changes agreed	Changes agreed	In agreement with	Changes agreed	Changes agreed	Changes agreed	Changes agreed	
A business operating in Leicester	BRAUNSTONE VICTORIA WMC								
The holder of an existing licence or permit under the Gambling Act 2005	Preloved@45 CIC	Ok	Ok	Good to see changes made to recognise potential "harm that could be caused by gambling in certain people"	Ok	Ok	Ok	Ok	No thank you
The holder of an existing licence or permit under the Gambling Act 2005	Weaver Leisure Ltd	None	None	None	None	None	None	None	Yes, what a waste of public money doing a survey like this, which achieves absolutely nothing other than wasting our valuable time and yours.

Appendix A

The holder of an existing licence or permit under the Gambling Act 2005	Montrose School PTA								
A resident of Leicester	Westcotes constitutional club								
An organisation	Wishes 4 Kids								
The holder of an existing licence or permit under the Gambling Act 2005	Bamboozle Theatre Company	No comment	No comment	Good to have this in depth assessment to inform future risk assessing.	No comment	No comment	No comment	No comment	N/A
An organisation	Leicester Theatre Trust Ltd								
A business operating in Leicester	SPS Technologies Ltd	Reviewed section 2 - ok with update	Reviewed section 5 - ok with update	Reviewed section 6 - ok with update	Reviewed section 7 - ok with update	Reviewed section 8 - ok with update	Reviewed section 9 - ok with update	Reviewed section 10 - ok with update	
An organisation	Friends of Clarendon Park	None.	None.	None.	The third bullet of the last paragraph has 'Licensing Section' repeated.	None.	None.	None.	We do not have any comments on the proposed amendments to the statement of gambling policy.
The holder of an existing licence or permit under the Gambling Act 2005	Together Against Cancer	That seems ok	ok	very appropriate	ok	ok	ok	ok	
Not Answered	St Edward the Confessor Catholic Church								No
The holder of an existing licence or permit under the Gambling Act 2005	Brookfield Electric Bowls Club								
An organisation	The Emma Shaw Foundation.	I agree with these changes.	I agree with this proposal.	Yes, definitely agree with this proposal.	I'm fine with this.	That's fine.	ok.	I understand.	I have no comments to make.
Not answered	North East Leicester District Scout Council	No comment	Ok	This seems sensible	Ok	Ok	Ok	Ok	No, all makes sense

LEICESTER CITY COUNCIL
STATEMENT OF GAMBLING POLICY



Leicester
City Council

Leicester City Council Statement of Gambling Policy

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PART A

1. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005 (the Act), the City Council must have regard to the licensing objectives as set out in Section 1 of the Act.

The licensing objectives are:

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

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.” Guidance issued to licensing authorities by the Gambling Commission¹ refers to the National Strategy to Reduce Gambling Harms², and notes that experience suggests that close working between licensing authorities and public health colleagues can deliver important results in relation to the third objective of “protecting children and other vulnerable persons from being harmed or exploited by gambling”.

The Act requires that the City Council should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives, and
- in accordance with the authority’s statement of licensing policy

2. Introduction

Leicester City Council is a unitary authority situated in the County of Leicestershire. The Council area has a population of 330,000 (2011 Census), covering 73.09 square kilometres (28.22 square miles).

¹ [Guidance to licensing authorities - Gambling Commission](#)

² [Reducing Gambling Harms - Gambling Commission](#)



The City Council is required by the Gambling Act 2005 to publish a statement of the principles that it proposes to apply when exercising its functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

Leicester City Council consulted upon this policy statement before finalising and publishing it. A list of the persons we consulted directly is provided below. It also enabled consultation via its website and sent out copies of the draft policy and questionnaire on request.

The Gambling Act requires that licensing authorities consult:

- the Chief Officer of Police;
- one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area;
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.

The City Council consulted the following:

- Leicestershire Police
- Existing providers of gambling facilities in Leicester:
- Leicester City Council’s Children’s Services Department
- Leicester City Council’s Public Health Department
- Other consultees:
 - Betting and Gaming Council
 - Lotteries Council

- BACTA
- Bingo Association
- British Horseracing
- Remote Gambling Association
- Advertising Association
- National Casino Forum
- Gamcare
- Salvation Army

Our consultation took place between xxxxx 2024 and xxxx 2024. The policy was approved at a meeting of the Full Council on xxxxxx 2024.

Should you have any comments about this policy statement please send them via e-mail or letter to the following contact:

Name: Licensing Team Manager (Policy and Applications)

Address: Licensing Section, Leicester City Council, City Hall, 115 Charles Street, Leicester LE1 1FZ

E-mail: licensing@leicester.gov.uk

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

3. Declaration

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

4. Responsible Authorities

The City Council has designated the Local Safeguarding Children Partnership Board as the body it considers competent to advise the authority about the protection of children from harm. The principles applied by the City Council in making this designation are:

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

The Responsible Bodies under the Gambling Act 2005 are:

- Leicester City Council Licensing and Public Safety Committee
- The Gambling Commission
- Leicestershire Police
- Leicestershire Fire and Rescue Service
- Leicester City Council Development Control Team
- Leicester City Council Environmental Health
- Leicester City Council Planning Department
- Leicester City Council Local Safeguarding Children Partnership Board
- HM Customs and Excise

Their contact details are available via the Council's website at: www.leicester.gov.uk/licensing.

5. Interested parties

Interested parties can make representations about licence applications or apply for an existing licence to be reviewed. Interested parties are defined in the Gambling Act 2005 as a person that -

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

The licensing authority is required to state the principles it will apply in determining whether a person is an interested party. The principles are:

- Each case will be decided upon its merits.
- The City Council will not apply a rigid rule to its decision making, and will consider the examples of considerations provided in the Gambling Commission's Guidance to local authorities (8.9-8.17)

Interested parties can be persons who are democratically elected such as Councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Other than these persons, the City Council will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of those persons, requesting the representation is sufficient.

If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Sub-Committee dealing with the licence application. If there are any doubts then please contact the Licensing Section:

- by telephone - (0116) 454 3030
- by email - licensing@leicester.gov.uk
- by post - Licensing Section, Leicester City Council, City Hall, 115 Charles Street, Leicester LE1 1FZ

6. Public Health and Gambling in Leicester

The Public Health Team of Leicester City Council has recently conducted a 'Gambling Harms Needs Assessment', the full document can be found here (insert weblink), however a summary of the findings can be found below:

1. **Summary of literature:** It is estimated that around 54% of the general population take part in gambling at least once in a year (when not including the national lottery, this figure drops to 40%). Problem gambling (gambling to a degree that compromises, disrupts or damages family, personal or recreational pursuits) is estimated to be experienced by 0.4% of the population; At-risk gambling (gambling that leads to less severe negative

consequences) by 3.8%; and around 7% are negatively affected by someone else's gambling ('affected others'). If these estimates were accurate for Leicester's 368,600 population (1), this would suggest there to be around 1,500 experiencing problem gambling, 14,000 experiencing at-risk gambling, and 26,000 affected others. Problem gambling is associated with worsened mental health, alcohol and substance use and higher risk of suicide; people aged 20-49 who experience problem gambling are 19 times more likely than average to die by suicide.

2. **Local profile related to gambling:** Population demographics of Leicester have several characteristics associated with an increased risk of problem gambling, including having a larger-than-average proportion compared to England who are: aged between 16 and 34 years; living in a deprived area; or unemployed. Leicester also has a higher-than-average proportion of people of Asian or Asian British ethnicity. National survey data indicate that people of this ethnicity are generally less likely to gamble, but more likely to experience problem gambling than other ethnic groups. We do not know of reliable evidence investigating gambling behaviours within more specific ethnicity categories.
3. **Mapping:** Accessibility of Leicester gambling outlets is highest in the central shopping area and is high in many areas with high deprivation. Data from a YouGov survey performed on behalf of GambleAware suggests (with a low level of certainty due to small numbers of participants) that Leicester City is in the lowest quintile for prevalence of non-problem gambling, but in the highest quintile for problem and moderate-risk gambling. The survey results also predicted Leicester to be in the lowest quintile for demand and uptake of treatment and support by those experiencing problem gambling.
4. **Treatment and support services:** There are three services providing treatment for gambling harms in Leicester City: the NHS East Midlands Gambling Service (which launched in July 2023), which is based in Derby and accepts referrals from across the East Midlands; Gamblers Anonymous, which is a national organisation, with a local branch that holds meetings in Leicester; and GamCare East Midlands, which delivers structured treatment online.
5. **Stakeholders:** Given the risks associated with gambling harms, and the populations particularly vulnerable to these harms, the following stakeholders were identified: those working in suicide prevention, mental health, primary care, children and young people, substance misuse or homelessness services; the police and criminal justice system; alcohol harm reduction charities; those whose work involves licensing of gambling premises; those with previous or current experience of high risk or problem gambling, of who have been negatively affected by someone else's gambling.

Applicants and Operators are asked to take account of the above when applying for licences and completing their Local Area Risk Assessments.

7. Exchange of Information

Licensing authorities are required to include in their policy statement the principles to be applied by the authority with respect to the exchange of information with the Gambling Commission, and with those bodies listed in schedule 6 to the Act that

- have functions under the Act,
- are enforcement or regulatory bodies, or
- are sport governing bodies.

The principle that the City Council applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information. This includes the provision that the General Data Protection Regulation will not be contravened. The City Council will also have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act 2005.

Should any protocols be established regarding information exchange with other bodies then they will be made available.

Please contact the Licensing section for further information:

- by telephone - (0116) 454 3030
- by email - licensing@leicester.gov.uk
- by post - Licensing Section, Leicester City Council, City Hall, 115 Charles Street, Leicester LE1 1FZ

8. Enforcement

Licensing authorities are required to state the principles they will apply when inspecting premises and taking criminal proceedings in respect of offences under the Act.

The City Council's principles are that it will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

- Proportionate: intervening only when necessary and ensuring remedies are appropriate to the risk posed, and costs identified and minimised;
- Accountable: being able to justify decisions, and be subject to public scrutiny;
- Consistent: ensuring rules and standards are joined up and implemented fairly;
- Avoiding duplication with other regulatory regimes as far as possible;
- Transparent: being open, and keeping requirements simple and user friendly; and
- Targeted: focusing on the problem, and minimising side effects.

This licensing authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36

- The principles set out in this statement of licensing policy

This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Gambling Act. When undertaking test purchasing activities, this licensing authority will undertake to liaise with the Gambling Commission and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

This licensing authority also keeps itself informed of developments as regards the work of the Office for Product Safety and Standards in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements are available upon request to the Licensing department

- by telephone - (0116) 454 3030
- by email - licensing@leicester.gov.uk
- by post - Licensing Section, Leicester City Council, City Hall, 115 Charles Street, Leicester LE1 1FZ

Our risk methodology is also available upon request.

9. Other regulatory regimes

Leicester City Council will endeavour to avoid duplication with other regulatory regimes, such as legislation covering employment, health and safety and fire safety.

10. Licensing Authority functions

Licensing Authorities are required to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* which wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits to Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol on-licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for alcohol on-licensed premises (under the Licensing Act 2003), where more than two machines are

required

- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions
- Set and collect fees

Licensing authorities will not be involved in licensing remote gambling, including online gambling and the National Lottery. This will be the responsibility of the Gambling Commission via Operator Licences.

PART B PREMISES LICENCES

1. General principles

Premises licences are subject to the permissions, restrictions and conditions set out in the Gambling Act 2005 and Regulations. Licensing authorities are able to exclude certain of these conditions and also attach others, where they consider this is appropriate.

In exercising its functions under the 2005 Act, section 153 states that the licensing authority shall aim to permit the use of premises for gambling insofar as the authority thinks it:

- a) in accordance with any relevant code of practice under s.24
- b) in accordance with any relevant guidance issued by the Commission under s.2
- c) reasonably consistent with the licensing objectives (subject to a and b above)
- d) in accordance with the licensing authority's statement of licensing policy (policy statement) (subject to a to c above).

2. Location

The demand for gambling premises cannot be considered with regard to the location of premises, but matters concerning the licensing objectives can be considered. The City Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as preventing crime and disorder.

3. Local Area Profiles

The City Council will maintain a local area profile. The area profile will be held on the City Council's website [Information to accompany the gambling policy \(leicester.gov.uk\)](https://www.leicester.gov.uk/information-to-accompany-the-gambling-policy) and will be updated from time to time.

The Gambling Commission's licence conditions and codes of practice require operators of existing and new gambling premises to consider local risks to the licensing objectives that may be posed by the provision of gambling facilities at each of their premises. This includes a requirement to have policies, procedures and control measures to mitigate those risks. In carrying out this obligation, operators must take account of relevant matters identified in the licensing authority's statement of policy.

The City Council expects existing and new operators to take into account the profile when determining what steps they need to take to mitigate risk and to promote the licensing objectives. This is in addition to reference to this statement of policy, and particularly to part B.

4. Local risk assessments

The Gambling Commission has introduced social responsibility code provisions that require operators of premises-based businesses to conduct local risk assessments³, and an ordinary code provision that says licensees should share their risk assessments with licensing authorities in certain circumstances⁴.

³ [LCCP Condition - Gambling Commission](#)

⁴ [LCCP Condition - Gambling Commission](#)

Paragraph 6.42 of the Gambling Commission guidance says “Social responsibility (SR) code [10.1.1](#) requires licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority’s policy statement.”

Paragraph 6.46 of the guidance says “Where a licensing authority’s policy statement sets out its approach to regulation with clear reference to local risks, it will facilitate operators being able to better understand the local environment and therefore proactively mitigate risks to the licensing objectives. In some circumstances, it might be appropriate to offer the licensee the opportunity to volunteer specific conditions that could be attached to the premises licence.”

The licensing authority is of the view that gambling operators should take account of the general area in which their premises are situated. The local area profile includes details of the location of educational establishments, community facilities and places of worship as well as the locations of other licensed gambling premises. This information is relevant to the licensing objectives, particularly the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling.

The policies and procedures to mitigate risks should be dealt with in the risk assessment rather than by way of licence conditions as the risk assessment is a dynamic document and (in accordance with Social Responsibility Code Provision 10.1.2) must be reviewed if there is a significant change in local circumstances. As risks change or new risks are identified, the policies, procedures, and mitigation measures to address those identified risks may be changed very quickly, whereas licence conditions may only be changed via formal application to the licensing authority.

5. Conditions

The ‘aim to permit’ framework provides wide scope for licensing authorities to impose conditions on a premises licence, reject, review or revoke premises licences where there is an inherent conflict with the relevant codes of practice, relevant guidance issued by the Commission, the licensing objectives or the licensing authorities own policy statement.

The mandatory and default conditions that attach to all premises licences are intended to be sufficient to ensure operation that is reasonably consistent with the licensing objectives. Additional conditions will only be considered where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that is not adequately addressed by the applicant’s local area risk assessment.

Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises;

- reasonably consistent with the licensing objectives; and
- reasonable in all other respects.

Decisions about individual conditions will be made on a case-by-case basis. The City Council will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Locating gaming machines in direct line of sight from a staffed counter to promote the protection of children and vulnerable adults
- Measures / training for staff on how to deal with suspected truant school children on the premises.

This list is not mandatory, nor exhaustive, and merely gives examples of measures.

The City Council will also consider specific measures that may be required for buildings, which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in gambling premises that admit children, in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

It is noted that there are conditions that the licensing authority cannot attach to premises licences, which are:

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

6. Door Supervisors

The City Council believes that adequate door supervision has an important role to play in promoting the licensing objectives, and will consider whether there is a need for door supervision on a case-by-case basis. Door supervision may provide benefits in terms of preventing children from entering adult only areas and preventing crime and disorder. In assessing the need for door supervision, the City Council will take into account the location of the premises, the likely clientele and the history of the premises.

The Gambling Act 2005 has amended the Private Security Industry Act 2001 so that in-house door supervisors at casinos or bingo premises are exempt from the requirement to be licensed by the Security Industry Authority. However, the City Council considers that registration with the SIA brings benefits in terms of training and establishing that the door supervisor is a suitable person. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc. It will therefore consider whether, in individual cases, it should apply a condition that door supervisors should be registered with the SIA. This decision will be influenced by the manner in which door supervision is undertaken and the likely clientele.

7. Casinos

No Casinos resolution

The City Council has not passed a 'no casino' resolution, but is aware that it has the power to do so. If it were to do so in the future, this policy statement will be updated with details. Any such decision would be made by the Full Council, and would not affect existing casinos licensed before the coming into force of the Gambling Act 2005.

Responsibility in Gambling

The City Council supports responsibility in gambling and envisages that any proposal for a new casino will embrace this aim.

PART C

Permits

1. Unlicensed Family Entertainment Centres

Where a premises is not licensed, but the applicant wishes to provide gaming machines, they may apply to the licensing authority for an Unlicensed Family Entertainment Centre gaming machine permit.

It should be noted that a licensing authority cannot attach conditions to this type of permit.

The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Gambling Commission.

Statement of Principles

The principles that Leicester City Council has adopted requires 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. The efficiency of such policies and procedures will each be considered on their merits, however, they may include

- DBS checks for staff
- a policy on the suitability of staff, taking into account convictions for violence, dishonesty, sexual offences, certain motoring offences.
- appropriate measures / training for staff as regards suspected truant school children on the premises
- training for staff to ensure a full understanding of the maximum stakes and prizes.
- measures / training covering how staff would deal with unsupervised very young children being on the premises
- children causing perceived problems on / around the premises.

In addition to the above, the City Council will also expect that:

- applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; and
- the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act).

2. Alcohol Licensed premises gaming machine permits

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued

by the Gambling Commission about the location and operation of the machine has been complied with)

- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises

If a premises wishes to have more than 2 machines, an application for a permit is needed. The City Council will decide each application on a case-by-case basis but will make its decision based on the licensing objectives and any other matters it considers relevant, which may include:

- the location and size of the premises
- expected clientele
- how the applicant intends to protect children and vulnerable persons from harm or being exploited by gambling
- the measures proposed by the applicant to ensure that anyone under 18 does not have access to the adult only gaming machines, which could include:
 - adult machines being in sight of the bar
 - arrangements for supervision by staff
 - notices and signage
- provision of information leaflets / helpline numbers for organisations such as GamCare.

3. Prize Gaming Permits

It should be noted that a licensing authority cannot attach conditions to this type of permit.

The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Gambling Commission.

The principles that Leicester City Council has adopted require the applicant to show that:

- the applicant should set out the types of gaming that he or she is intending to offer
- the applicant should be able to demonstrate that:
 - they understand the limits to stakes and prizes that are set out in Regulations; and
 - the gaming offered is within the law
- the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act).

4. Club Gaming and Club Machines Permits

Members' clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit. Members' clubs, miners' welfare institutes and commercial clubs may apply for a club machine permit. The club gaming permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

A licensing authority may only refuse to grant a club gaming or machine permit under certain circumstances specified in the Act. In deciding whether to grant a permit, the licensing authority must have regard to any guidance issued by the Gambling Commission and the licensing objectives. A licensing authority may not attach conditions to a permit.

5. Temporary Use Notices

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities

6. Occasional Use Notices

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice. This licensing authority will also ensure that no more than 8 OUNs are issued in one calendar year in respect of any venue.

7. Small Society Lotteries

This licensing authority will adopt a risk-based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- submission of incomplete or incorrect returns

- breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by, or on behalf of, a charity or for charitable purposes
- to enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact this licensing authority to seek further advice:

- by telephone - (0116) 454 3030
- by email - licensing@leicester.gov.uk
- by post - Licensing Section, Leicester City Council, City Hall, 115 Charles Street, Leicester LE1 1FZ

By Email Only
Licensing Section
Leicester City Council

Please ask for: [REDACTED]
Direct Tel: [REDACTED]
Email: [REDACTED]
Our ref: [REDACTED]
Your ref: [REDACTED]
Date: 12th August 2024

Dear Leicester City Council,

Re: Gambling Act 2005 Statement of Principles for Gambling

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

The Betting and Gaming Council

The Betting and Gaming Council (BGC) was created in 2019 as the standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

The BGC has four objectives. These are to:

1. create a culture of safer gambling throughout the betting and gaming sector, with a particular focus on young people and those who are vulnerable.
2. ensure future changes to the regulatory regime are considered, proportionate and balanced.
3. become respected as valuable, responsible, and engaged members of the communities in which its members operate.
4. safeguard and empower the customer as the key to a thriving UK betting and gaming industry.

BGC members support 110,000 jobs, generate £4.2 billion in taxes and contribute £7.1 billion to the economy in GVA (Gross Value Added), according to a report by EY in 2022.

Betting shops alone also support 42,000 jobs on the UK's hard-pressed high streets, contributing £800 million a year in tax to the Treasury and another £60m in business rates to local councils. Further, according to ESA Retail report 89% of betting shop customers go on to spend money in other high street establishments, further cementing the important role of betting shops in the local economy.



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BGC members also support the UK's hospitality, tourism and leisure industry through our casinos – there are currently 116 across the UK. Overall, we are a major component of world leading British technology, where our members have founded tech powerhouses in many cities throughout the UK.

Betting is a hugely popular British leisure activity. Each month, around 22.5 million adults in the UK have a bet - whether it's buying a lottery ticket, having a game of bingo, visiting a casino, playing online or having a wager on football, horseracing and other sports - and the overwhelming majority do so perfectly safely and responsibly.

BGC members are proud to support UK sport, from the grassroots to the elite level. The industry contributes around £350 million to racing in levy, media, and sponsorship rights each year, £40 million to the EFL (English Football League), and £12.5 million to snooker, darts, and rugby league.

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

Betting and Gaming in the UK

Any consideration of gambling licensing at the local level should also be considered within the broader context.

The raft of measures recently put in place by the industry (in terms of protecting players from gambling-related harm), the Gambling Commission, and the Government (a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures, and voluntary restrictions on advertising) have contributed to problem gambling rates now being lower than they were at the passage of the 2005 Gambling Act (see further details on problem gambling rates below).

In addition, a range of further measures will be implemented imminently following the Government's White Paper, published in April 2023. These include: financial risk checks for those at risk of gambling harm, changes to the way operators market to their customers, changes to online game design which will remove certain features, the introduction of a mandatory levy for research, prevention and treatment (RPT) activities, an Ombudsman to adjudicate on customer redress and the introduction of mandatory stake limits on online slots, bringing the maximum stakes online in line with land based casinos.

It should also be noted that:

- The overall number of betting shops is in decline. Industry statistics set out that the number of betting shops (as of June 2024) is 5870. This is reducing yearly and has fallen by 29% since March 2019 – equating to 2408 betting shop closures in five years.
- Planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019, a maximum stake of £2 was applied to the operation of fixed odds betting terminals.

- Successive prevalence surveys and health surveys show that problem gambling rates in the UK are stable.

Problem Gambling

A point often lost in the debate about the future of gambling regulation is that problem gambling rates in the UK are low by international comparison.

The most recent “Gold standard” NHS (National Health Service) Health Survey found that problem gambling rates among adults are 0.4 per cent – the rate was 0.5 per cent in 2018. In comparison to other European countries, problem gambling rates in the UK are low. The problem gambling rate is 2.4 per cent in Italy, 1.4 per cent in Norway, and 1.3 per cent in France.

Both the Gambling Commission and the Government have acknowledged that problem gambling levels have not increased. However, one problem gambler is one too many, and we are working hard to improve standards further across the regulated betting and gaming industry.

In June 2020, the BGC’s largest members committed to increasing the amount they spend on RPT (Research, Prevention and Treatment) services from 0.1 per cent to 1 per cent in 2023. This was expected to raise £100 million but they have gone further and will have donated £110 million by 2024.

In the White Paper, the Government committed to introducing a statutory RPT (Research, Prevention and Treatment) levy, which would apply to all gambling licensees (excluding the national lottery). This levy is expected to raise £100m annually by 2026/2027.

The BGC also funds the £10 million Young People’s Gambling Harm Prevention Programme, delivered by leading charities YGAM and GamCare. As of March last year (2023), it has educated over 3 million children.

Advertising and Sponsorship

All betting advertising and sponsorship must comply with strict guidelines, and safer gambling messaging must be regularly and prominently displayed.

The Government has previously stated that there is “no causal link” between exposure to advertising and the development of problem gambling, as stated in a response by then Minister of State at DCMS in June 2021. The Gambling Review White Paper, in relation to advertising, restated that there was “little evidence” of a causal link with gambling harms or the development of gambling disorder.

The Seventh Industry Code for Socially Responsible Advertising, adopted by all BGC members, adds a number of further protections in particular for young people. New measures include ensuring that all social media ads must target consumers aged 25 and over unless the website proves they can be precisely targeted at over-18s. In addition to raising advertising standards for young people, this

code, which came into force on 1 December 2023, extended the previous commitment that 20% of TV and radio advertising is devoted to safer gambling messaging to digital media advertising.

Under the ‘whistle-to-whistle’ ban, ads cannot be shown from five minutes before a live sporting event until five minutes after it ends, before the 9 p.m. watershed. Research by Enders Analysis found that in its first 12 months in operation, the ban reduced the number of TV betting adverts seen by children by 97% at that time. Overall, the number of gambling adverts viewed by young people also fell by 70% over the entire duration of live sports programmes. At the same time, the ban also reduced the number of views of betting ads by 1.7 billion during its first five months in operation.

BGC members also continue to abide by the stringent measures established by advertising standards watchdogs. These measures are in stark contrast to the unsafe, unregulated black market online, which has none of the safer gambling measures offered by BGC members, including strict age-verification checks. Any withdrawal of advertising would simply level the playing field with illegal operators thus providing opportunities for those operators to peel off customers from the regulated markets.

Misleading/ambiguous premises signage

There are increasing numbers of premises (usually Adult Gaming Centres) which describe themselves on their shopfronts and external signage as casinos despite these premises not being permitted to operate as a casino.

Section 150 Gambling Act 2005 creates five separate classes of premises licences – the operation of a casino (a casino premises licence), the provision of facilities for the playing of bingo (a bingo premises licence) , making category B gaming machines available for use (an adult gaming centre premises licence), making category C gaming machines available for use (a family entertainment centre premises licence) and the provision of facilities for betting (a betting premises licence). Whilst casinos are permitted under a casino premises licence to provide bingo and betting facilities, the holder of an adult gaming centre premises licence may not offer casino facilities.

In order to avoid any ambiguity, the draft statement of principles should be clear that premises must not display signage which may suggest that the premises have a different premises licence to the one held.

Differentiation between Licensing Act 2003 and Gambling Act 2005 applications

When considering applications for premises licences, it is important to clearly distinguish between the regimes, processes, and procedures established by the Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities—the regimes, processes, and procedures relating to the Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, which are then converted into premises licence conditions, there is no such

requirement in Gambling Act 2005 applications, where the LCCP provides a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in the Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances with clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In most cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry employs a policy called "Think 21". This policy is successful in preventing underage gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission shows that ID challenge rates are consistently around 85%. Following the publication of the Gambling Commission's response to their consultation on age verification on premises, all gambling venues will be moving to a "Think 25" policy from 30th August 2024.

Since Serve Legal began working with the gambling sector in 2009, the industry has now become the highest performing sector across all age verification testing. Across thousands of audits, there was an average pass rate of 91.4 per cent (2024 data). For casinos, there is a near perfect pass rate in the last period of 98%. When comparing Serve Legal audit data between members of the BGC and comparative age verification audit data in the Alcohol and Lottery sector we see how the gambling sector is performing between 10-15 per cent higher every year.

It should be noted that the Executive Summary of the Gambling White Paper stated that when parliamentary time allows, the Government will align the gambling licensing system with that for alcohol by introducing new powers to conduct cumulative impact assessments.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no precise requirements regarding the need for evidence in the revised licensing policy statement. If additional licence conditions are more commonly applied, this would increase variation across licensing authorities and create uncertainty amongst operators regarding licensing requirements, overcomplicating the licensing process for operators and local authorities.

Working in partnership with local authorities

The BGC is fully committed to ensuring constructive working relationships between betting and gaming operators and licensing authorities and that problems can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this, and the opportunity to respond to this consultation is welcomed.

Considerations Specific to the Gambling Act 2005 Statement of Licensing Principles

The new Section 6 in Part A should be removed or, at least, redrafted as the information contained therein is inaccurate and potentially therefore prejudicial to any applicant. The section takes the accepted NHS Health Survey figure that problem gambling rates among adults is 0.4% and applies this to the entire population of Leicester. The figure for Leicester's population is given as 368,600 but this is the entire (not adult) population. The council's own figures state that there are around

55,000 children attending primary or secondary school in Leicester and on top of that number, there are pre-school and nursery children and those over 16 but under 18 in employment. The extrapolated figures given therefore, cannot be correct and without any accurate figures with regard to the population of those under 18, all of the extrapolated figures should be removed.

Conclusion

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope these comments above are helpful. The BGC will work with you to ensure that its members' operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,



GOSSCHALKS LLP