

Leicester
City Council

WARDS AFFECTED: ALL

**CABINET
COUNCIL**

**9 November 2009
26 November 2009**

GAMBLING POLICY - RENEWAL

Report of the Director of Environmental Services

1. Purpose of Report

- 1.1 The purpose of the report is to determine the Council's Gambling Policy for the coming three years, as required by the Gambling Act 2005.

2. Summary

- 2.1 The Gambling Act 2005 came into effect in 2007. As Licensing Authority, Leicester City Council is required to publish its Gambling Policy for 2010-2012 by 14 January 2010.

- 2.2 The current policy has not caused any problems since it came into effect in February 2007. There have been no significant developments since that date to require an update of the policy. In view of this, it is proposed to adopt the same policy for 2010-2012. The current policy is attached at Appendix A.

3. Consultation

- 3.1 In accordance with the Gambling Act, 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

The consultation has also been available on the council's website between 12 August and 9 October 2009.

- 3.2 At the time of writing the report, no responses had been received. A Licensing Committee meeting is scheduled for mid to late October 2009 and any replies received on or before 8 October will be reported to the Committee. Comments from the Licensing Committee will be reported verbally to Cabinet.

4. 'No casino' policy

- 4.1 Licensing Authorities may consider having a “no casino” policy, and if they do, this must be included in their Gambling Policy. A “no casino” policy has no effect on existing casinos, but prevents a licensing authority from issuing a new casino licence. The Gambling Act limits the number of new casinos nationally to one regional, eight large and eight small. The government has announced the locations of these new casinos, none of which are in Leicester.

5. Recommendations

- 5.1 Cabinet is asked to recommend the Gambling Policy for 2010-2012 to be approved by Council.
- 5.2 Council is asked to approve the Gambling Policy for 2010-2012 as recommended by Cabinet.

6 Financial & Legal Implications

Financial Implications

- 6.1 Premises licence fees are set in a series of bands with a prescribed maximum for each band. Licensing authorities are able to set licence fees within each band so as to ensure full cost recovery. It is anticipated that the fees will continue to cover all costs, thus there should be no additional costs on Leicester City Council.

Martin Judson, Head of Finance

Legal Implications

- 6.2 The Gambling Act 2005 requires Licensing Authorities to prepare and publish a licensing Policy Statement. The Licensing Policy Statement will last for a maximum of 3 years, but can be reviewed and revised by the authority at any time.
- 6.3 The statement must be produced following widespread consultation with
- 1) the chief officer of Police for the authority's area
 - 2) persons who appear to the authority to appear to the authority to represent the interests of the persons carrying on gambling businesses within the area, and
 - 3) persons who appear to the authority to represent the interests of persons who are to be effected by the exercise of the authority's functions under the Act.
- 6.4 Regulations state the Licensing Authority must set out the principles, it proposes to apply in exercising its functions under the Act during the 3 year period to which the policy applies.
- 6.5 Regulations also state that the Licensing Authority Policy Statement is a shared responsibility of the full Council and the executive. Therefore it has to be considered by the Cabinet and approved by full Council before it is published.

Jamie Guazzaroni, Legal Services

7 Background Papers – Local Government Act 1972

Gambling Act 2005

8 Consultations

Licensing Committee – 21st July & October 2009

Chief Officer of Police, Leicestershire Constabulary

Gambling Businesses

Organisations representing people who may be affected by gambling

Head of Legal Services

Head of Finance

9 Report Author

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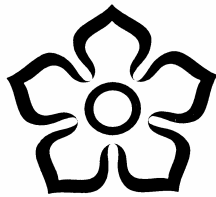
Rachel.hall@leicester.gov.uk

Key Decision	Yes
Reason	Is significant in terms of its effect on communities living or working in an area comprising more than one ward
Appeared in Forward Plan	Yes
Executive or Council Decision	Executive (Cabinet)

APPENDIX A

LEICESTER CITY COUNCIL

STATEMENT OF GAMBLING POLICY



Leicester
City Council

APPROVED ON 30 NOVEMBER 2006 BY FULL COUNCIL

Leicester City Council

Statement of Gambling Policy

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PART A

1. The Licensing Objectives

In exercising 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.

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 280,000 (2001 Census), covering 73.09 square kilometres (28.22 square miles).



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 widely 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 certain parties are consulted by Licensing Authorities. The City Council consulted the following:

- The police
- Existing providers of gambling facilities in Leicester:
 - Casinos
 - Stanley Casinos
 - Gala Leisure
 - Bingo halls
 - Gala Clubs
 - Top 10 Bingo
 - Bookmakers
 - Mecca
 - William Hill
 - Ladbrokes
 - Manny Bernstein
 - Tremayne Racing
 - Amusement arcades etc
 - Thomas’s Organisation Ltd
 - Hollands Park Amusements
 - Cascade
 - Lisa’s Entertainment Centre
- Leicester City Council’s Children’s Services Department
- Members of the People’s Panel, who form a representative sample of Leicester residents
- Other consultees:
 - Association of British Bookmakers
 - Lotteries Council
 - British Amusement Catering Trade Association
 - British Casino Association
 - Remote Gambling Association
 - Bingo Association
 - British Horseracing Board
 - British Greyhound Racing Board
 - Advertising Association

- Casino Operators Association
- Business in Sport & Leisure
- GAMCARE
- Responsibility in Gambling Trust
- Gamblers Anonymous
- Salvation Army

The policy was approved at a meeting of the Full Council on 30 November 2006 and was published via our website on 4th December 2006. Copies were placed in the public libraries of the area as well as being available in the Customer Services area of New Walk Centre.

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
 Address: Regeneration & Culture, New Walk Centre, Welford Place, Leicester, LE1 6ZG
 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 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 contact details of all the Responsible Bodies under the Gambling Act 2005 are:

- Leicester City Council Licensing Committee
- The Gambling Commission
- Leicestershire Constabulary
- Leicestershire Fire and Rescue Service
- Leicester City Council Development Control Team

- Leicester City Council Noise Control Team
- Leicester City Council Local Safeguarding Children 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 authorities 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 (8.10-8.18)
- The City Council will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as Councillors and MP's. 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 Committee dealing with the licence application. If there are any doubts then please contact the Licensing Section:

- by telephone - (0116) 2528555
- by email - licensing@leicester.gov.uk
- by post - Licensing Section, Leicester City Council, New Walk Centre, Welford Place, Leicester, LE1 6ZG

6. 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 Data

Protection Act 1998 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.

7. 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 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.

The City Council's enforcement policy will be available upon request to the Licensing department when finalised. The Licensing department can be contacted:

- by telephone - (0116) 2528555
- by email - licensing@leicester.gov.uk
- by post - Licensing Section, Leicester City Council, New Walk Centre, Welford Place, Leicester, LE1 6ZG

Our risk methodology will also be available upon request once finalised.

8. 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
- Grant *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

Licensing authorities will not be involved in licensing remote gambling. This will be the responsibility to the Gambling Commission via Operator Licences.

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.

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.

In deciding whether a licence for a particular premises should be granted, each case will be decided on its merits. However, the City Council considers the general suitability of the following locations are as shown:

	Suitable Locations	Unsuitable Locations
Casinos	<ul style="list-style-type: none"> • City Centre 	<ul style="list-style-type: none"> • Local Shopping Centres • Residential Areas • Other Business/Commercial Areas • Near sensitive locations eg schools and places of worship
Bingo Premises	<ul style="list-style-type: none"> • City Centre • Local Shopping Centres 	<ul style="list-style-type: none"> • Residential Areas • Near sensitive locations eg schools and places of worship
Pubs with Gaming Machines	<ul style="list-style-type: none"> • City Centre • Local Shopping Centres 	<ul style="list-style-type: none"> • Residential Areas • Near sensitive locations eg schools and places of worship
Family Entertainment Centres	<ul style="list-style-type: none"> • City Centre 	<ul style="list-style-type: none"> • Residential Areas • Other Business/Commercial Areas • Near sensitive locations eg schools and places of worship
Betting Offices	<ul style="list-style-type: none"> • City Centre • Local Shopping Centres 	<ul style="list-style-type: none"> • Residential Areas • Near sensitive locations eg schools and places of worship

3. Duplication with other regulatory regimes

The City Council will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. The City Council will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it. The City Council will listen to, and consider carefully, any concerns about conditions that cannot be met by licensees due to planning restrictions, if such a situation arises.

4. Conditions

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.
- 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.

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

5. 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.

6. Casinos

Proposal for a casino

The City Council has submitted a proposal for a premises licence for a small or large casino, to the Independent Casinos Advisory Panel. Details regarding this proposal can be found at www.culture.gov.uk/cap/proposals or are available via request to Andrew Thomas, Head of Regeneration Policy, New Walk Centre, Welford Place, Leicester, LE1 6ZG.

No Casinos resolution

The City Council has not considered whether to pass a 'no casino' resolution. If it were to do so, this would not affect existing casinos licensed before the coming into force of the Act.

7. 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 intends to adopt will require 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

- CRB 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 intends to adopt will 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 clubs 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.