



Leicester  
City Council

**WARDS AFFECTED: ALL**

**LICENSING & PUBLIC SAFETY COMMITTEE**

**23 October 2018**

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## **GAMBLING POLICY - CONSULTATION**

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### **Report of the Director of Neighbourhood and Environmental Services**

#### **1. Purpose of Report**

- 1.1 The purpose of the report is to seek the Committee's views on the Council's Gambling Policy for the coming three years, prior to its determination by Full Council in November 2018.

#### **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 2019-2021 no later than 3 January 2019 (4 weeks before the new policy takes effect).
- 2.2 The current policy has not caused any problems since it came into effect in February 2016. This policy was not significantly different to the original policy introduced in February 2007.
- 2.3 Public consultation took place between 14 August and 18 September 2018. The Licensing Committee will consider the draft policy at its meeting on 23 October 2018.
- 2.4 The consultation responses and the comments from Scrutiny and the Licensing Committee will be submitted to Full Council on 15 November 2018, when full Council will be asked to approve the authority's gambling policy for 2019-2021.

#### **3. Consultation method**

- 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

Holders of existing gambling permissions were also contacted directly. The consultation was available on the council's website between 14 August and 18 September 2018.

#### **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. There are currently no approved locations for such casinos in England and Wales.

4.2 Leicester City Council has not previously made a ‘no casino’ policy.

#### **5. Gambling policy for 2019-2021**

5.1 The existing policy has been updated but the changes are considered to be minor.

5.2 A local area profile has not been produced for Leicester although it is still the intention to do so. The profile will be held on the City Council’s website [www.leicester.gov.uk/licensing](http://www.leicester.gov.uk/licensing) and be updated from time to time. Existing and new operators would be expected to take into account the profile when determining what steps they need to take to mitigate risk and to promote the licensing objectives.

5.3 The proposed new policy is attached at Appendix A.

#### **6. Consultation responses**

6.1 Four responses were received during the consultation period, two via the online consultation tool and two by email. The comments made are shown in Appendix B, together with officers’ observations.

#### **7. Recommendations**

7.1 The Committee is asked to make any comments on the proposed policy, which will be reported to full Council in November.

### **8 Financial & Legal Implications**

#### **Financial Implications**

8.1 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.

*Colin Sharpe – Head of Finance*

## **Legal Implications**

- 8.2 Section 349 of 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. It must set out the principles the Authority proposes to apply in exercising its functions under the Act during the 3 year period to which the Policy applies. Any revision must be published before it is given effect.
- 8.3 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.
- 8.4 The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 set out the form of Licensing Policy Statements and the procedures to be followed in relation to preparing, revision and publication of the Statements.
- 8.5 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 states that determining the Licensing Authority Policy Statement is not a function within the sole responsibility of the executive. Therefore it has to be considered by the Cabinet and approved by full Council before it is published.

*Katherine Jamieson – Legal Services*

## **9 Background Papers – Local Government Act 1972**

None

## **10 Consultations**

Chief Officer of Police, Leicestershire Police  
Gambling Businesses  
Organisations representing people who may be affected by gambling  
Holders of existing gambling permissions  
Head of Legal Services  
Head of Finance

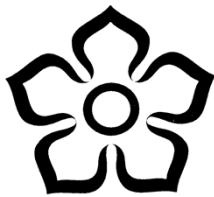
## **9 Report Author**

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# **LEICESTER CITY COUNCIL**

## **STATEMENT OF GAMBLING POLICY**



Leicester  
City Council

**Leicester City Council  
Statement of Gambling Policy**

## Appendix A

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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.”

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).



## Appendix A

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 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
- Other consultees:
  - Association of British Bookmakers
  - Lotteries Council
  - BACTA
  - Bingo Association
  - British Horseracing
  - Remote Gambling Association
  - Advertising Association
  - National Casino Forum
  - Gamcare
  - Salvation Army

Our consultation took place between 14 August and 18 September 2018. The policy was approved at a meeting of the Full Council on **xx November 2018**.

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: Licensing Section, Leicester City Council, York House, 91 Granby Street, Leicester, LE1 6FB

E-mail: [licensing@leicester.gov.uk](mailto: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 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 Local Safeguarding Children Board
- HM Customs and Excise

Their contact details are available via the Council's website at: [www.leicester.gov.uk/licensing](http://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 (8.9-8.17)

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 3040
- by email - [licensing@leicester.gov.uk](mailto:licensing@leicester.gov.uk)
- by post - Licensing Section, Leicester City Council, York House, 91 Granby Street, Leicester, LE1 6FB

### **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 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 3040
  - by email - [licensing@leicester.gov.uk](mailto:licensing@leicester.gov.uk)
- by post - Licensing Section, Licensing Section, Leicester City Council, York House, 91 Granby Street, Leicester, LE1 6FB

## 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 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 Better Regulation Executive 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 3040
- by email - [licensing@leicester.gov.uk](mailto:licensing@leicester.gov.uk)

- by post - Licensing Section, Leicester City Council, York House, 91 Granby Street, Leicester, LE1 6FB

Our risk methodology is also available upon request.

### **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
- 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

Licensing authorities will not be involved in licensing remote gambling. This will be the responsibility to 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.

### 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 is as shown:

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

### 3. Local Area Profiles

The City Council will develop and maintain a local area profile. The area profile will be held on the City Council's website [www.leicester.gov.uk/licensing](http://www.leicester.gov.uk/licensing) 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. 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.
- 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

### **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**

#### *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;



## Appendix A

- 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 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.

### **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 3040
- by email - [licensing@leicester.gov.uk](mailto:licensing@leicester.gov.uk)
- by post - Licensing Section, Leicester City Council, York House, 91 Granby Street, Leicester, LE1 6FB

## Consultation Responses Received - Appendix B

	Consultation Response	Officer Comments
1	Should be stopped altogether as so many families are being ruined	The Licensing Authority has no power to stop gambling and is legally obliged to produce a statement of gambling policy.
2	I think that the policy is satisfying and reasonably balanced. Nothing to add nor to take off.	
3	<p>While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the Gambling Commission.</p> <p>The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council’s wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.</p> <ul style="list-style-type: none"> <li>• A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see <a href="http://www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/">www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/</a></li> <li>• Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.</li> <li>• A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.</li> <li>• Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?</li> <li>• Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points</li> </ul>	<ul style="list-style-type: none"> <li>• A local area profile will be produced</li> <li>• See paragraph 2 of part B of the draft policy</li> <li>• It is a requirement for each licensed gambling premises to carry out a risk assessment – see paragraph 3 of part B of the draft policy</li> <li>• See paragraphs 3 and 4 of part B of the draft policy regarding risk assessment and conditions</li> <li>• See paragraphs 3 and 4 of part B of the draft policy regarding risk</li> </ul>

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<p>throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.</p> <ul style="list-style-type: none"> <li>• Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.</li> <li>• Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.</li> </ul> <p>We would suggest that the Local Licensing Authority primarily consider applications from GamCare Certified operators. GamCare Certification is a voluntary process comprising an independent audit assessment of an operator’s player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact <a href="mailto:mike.kenward@gamcare.org.uk">mike.kenward@gamcare.org.uk</a></p> <p>For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures.</p> <p>If there is anything else we can assist with please do let us know.</p>	<p>assessment and conditions</p> <ul style="list-style-type: none"> <li>• See paragraphs 3 and 4 of part B of the draft policy regarding risk assessment and conditions</li> <li>• See paragraphs 3 and 4 of part B of the draft policy regarding risk assessment and conditions</li> <li>• A licensing authority is not permitted to refuse an application solely on this basis. Operators licences are dealt with by the Gambling Commission. GamCare are referenced in paragraph 4 of part B of the draft policy</li> <li>• Noted</li> </ul>
<p>4 We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council’s review of its gambling policy statement.</p> <p>The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.</p> <p>Please see below for the ABB’s response to the Council's current consultation on the draft gambling policy statement. This response starts by setting out the ABB’s approach in areas relevant to the local authority's regulation of betting shop premises, and its commitment to working with local authorities in partnership. The response finishes by highlighting matters within the policy statement which the ABB feels may need to be addressed.</p> <p>Betting shops have been part of the British high street for over 50 years and ensuring a dialogue with the communities they serve is vital.</p>	

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The ABB recognises the importance of the gambling policy statement in focusing on the local environment and welcomes the informed approach this will enable operators to take for example, with regard, to the new requirements for local area risk assessments and ensuring the right structures are in place in shops that are appropriate for that area.

Whilst it is important that the gambling policy statement fully reflects the local area, the ABB is also keen to ensure that the statutory requirements placed on operators and local authorities under the Gambling Act 2005 remain clear; this includes mandatory conditions (for instance, relating to Think 21 policies) and the aim to permit structure. Any duplication or obscuring of these within new processes would be detrimental to the gambling licensing regime. The ABB also believes it is important that the key protections already offered for communities, and clear process (including putting the public on notice) for objections to premises licence applications, continue to be recognised under the new regime.

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

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that numbers as of March 2017 were 8,788 - a decline of 349 since March 2014, when there were 9,137 recorded.
- 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.
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they 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.

LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA), developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms, which established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing

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<p>spokesman, said it demonstrated the "desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."</p> <p>The framework builds on earlier examples of joint working between councils and the industry, for example the Medway Responsible Gambling Partnership which was launched by Medway Council and the ABB in December 2014. The first of its kind in Britain, the voluntary agreement led the way in trialing multi-operator self-exclusion. Lessons learned from this trial paved the way for the national multi-operator self-exclusion scheme now in place across the country. By phoning a free phone number (0800 294 2060) a customer who is concerned they are developing a problem with their gambling can exclude themselves from betting shops close to where they live, work and socialise. The ABB is working with local authorities to help raise awareness of the scheme, which is widely promoted within betting shops.</p> <p>The national scheme was first trialed in Glasgow in partnership with Glasgow City Council. Cllr Paul Rooney, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, described the project as "breaking new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."</p> <p>Primary Authority Partnerships in place between the ABB and local authorities</p> <p>All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities. These partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.</p> <p>For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015. By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.</p> <p>Local area risk assessments</p> <p>Since April 2016, under new Gambling Commission LCCP provisions, operators have been required to complete local</p>	
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<p>area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy, and any local area profile, in their risk assessment. These must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or for a new premises licence.</p> <p>The ABB fully supports the implementation of risk assessments which will take into account risks presented in the local area, such as exposure to vulnerable groups and crime. The new requirements build on measures the industry has already introduced through the ABB Responsible Gambling Code to better identify problem gamblers and to encourage all customers to gamble responsibly.</p> <p>This includes training for shop staff on how to intervene and direct problem gamblers to support services, as well as new rules on advertising including banning gaming machine advertising in shop windows, and the introduction of Player Awareness Systems which use technology to track account based gaming machine customers' player history data to allow earlier intervention with any customers whose data displays known 'markers of harm'.</p> <p>Best practice The ABB is committed to working pro-actively with local authorities to help drive the development of best practice with regard to local area risk assessments, both through responses to consultations such as this and directly with local authorities. Both the ABB and its members are open and willing to engage with any local authority with questions or concerns relating to the risk assessment process, and would encourage them to make contact.</p> <p>Westminster Council is one local authority which entered into early dialogue with the industry, leading to the development of and consultation on draft guidance on the risk assessment process, which the ABB and our members contributed to. Most recently one operator, Coral, has been working closely with the Council ahead of it issuing its final version of the guidance, which we welcome.</p> <p>The final guidance includes a recommended template for the local area risk assessment which we would point to as a good example of what should be expected to be covered in an operator's risk assessment. It is not feasible for national operators to submit bespoke risk assessments to each of the c.350 local authorities they each deal with, and all operators have been working to ensure that their templates can meet the</p>	
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<p>requirements set out by all individual local authorities.</p> <p>The ABB would be concerned should any local authority seek to prescribe the form of an operator's risk assessment. This would not be in line with better regulation principles. Operators must remain free to shape their risk assessment in whichever way best meets their operational processes.</p> <p>The ABB has also shared recommendations of best practice with its smaller independent members, who although they deal with fewer different local authorities, have less resource to devote to developing their approach to the new assessments. In this way we hope to encourage a consistent application of the new rules by operators which will benefit both them and local authorities.</p> <p>Concerns around increases in the regulatory burden on operators</p> <p>The ABB is concerned to ensure that any changes in the licensing regime at a local level are implemented in a proportionate manner. This would include if any local authority were to set out overly onerous requirements on operators to review their local risk assessments with unnecessary frequency, as this could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to operate consistently with the three licensing objectives.</p> <p>Any increase in the regulatory burden would severely impact ABB members at a time when overall shop numbers are in decline, and operators are continuing to absorb the impacts of significant recent regulatory change. This includes the increase to 25% of Machine Games Duty, limits to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.</p> <p>Employing additional licence conditions</p> <p>It should continue to be the case that additional conditions are only imposed in exceptional circumstances where there are 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 the vast majority of cases, these will not need to be supplemented by additional conditions.</p> <p>The LCCP require that premises operate an age verification policy. The industry operates a policy called "Think 21". This policy is successful in preventing under-age gambling.</p>	
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<p>Independent test purchasing carried out by operators and the ABB, and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%. The ABB has seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.</p> <p>The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities</p> <p>Other concerns</p> <p>Where a local area profile is produced by the licensing authority, this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.</p> <p>Considerations specific to the Draft Statement of Gambling Policy.</p> <p>Within section 2 “Location” of part B, there is a table detailing locations that the City Council considers both suitable and unsuitable for various gambling premises. This table should be removed from the draft Gambling Policy as it appears to establish a higher bar for premises in areas that the City Council specified may be unsuitable. Each case should be determined on its own merits and the City Council cannot simply designate areas that it considers unsuitable. The Licensing Authority is required to aim to permit the use of premises for gambling and consider any application upon the receipt of relevant representations relating to the licensing objectives.</p> <p>As far as betting offices are concerned, these have been situated in residential areas ever since they became lawful in the 1960’s. Betting offices have existed within residential areas and in very close proximity to both churches and schools without any difficulty whatsoever.</p> <p>The inclusion of this table is pejorative and should be removed. It serves no purpose. The Authority cannot have blanket restrictions on areas where gambling premises should not be located.</p> <p>Paragraph 4 of part B explains the Licensing Authority’s approach to the imposition of conditions. This section would</p>	
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<p>be assisted if it was made clear that the mandatory and default conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. Thereafter the draft policy should be clear that additional conditions will only be imposed where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case.</p> <p>The evidential basis for the imposition of additional conditions is important and should be clear specified with in the draft policy.</p> <p>Conclusion The ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.</p> <p>Indeed, as set out, the ABB and its members already do this successfully in partnership with local authorities now. This includes through the ABB Responsible Gambling Code, which is mandatory for all members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff.</p> <p>We would encourage local authorities to engage with us as we continue to develop both these codes of practice, which are in direct support of the licensing objectives, as well as our processes around local area risk assessments.</p>	
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