



Leicester
City Council

MEETING OF THE LICENSING AND PUBLIC SAFETY COMMITTEE

DATE: TUESDAY, 27 OCTOBER 2015

TIME: 5:30 pm

PLACE: Meeting Room G.01, Ground Floor, City Hall, 115 Charles Street, Leicester, LE1 1FZ

Members of the Committee

Councillor Thomas – Chair

Councillor Byrne – Vice Chair

Councillor Cank – Vice Chair

Councillors Dr Barton, Fonseca, Hunter, Sangster, Singh Johal and Westley.

1 unallocated Non-Grouped 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 : Graham Carey

Democratic Support

Leicester City Council

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

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If you have any queries about any of the above or the business to be discussed, please contact Graham Carey, **Democratic Support on (0116) 454 6356 or email graham.carey@leicester.gov.uk** or call in at City Hall, 115 Charles Street, Leicester, LE1 1FZ.

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PUBLIC SESSION

AGENDA

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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 MEETINGS

The minutes of the meetings held on 28 August and 30 September (Special Meeting) have been circulated and the Committee will be asked to confirm them as a correct record.

The minutes can be found on the Council's website at the following link:-

<http://www.cabinet.leicester.gov.uk:8071/ieListMeetings.aspx?CId=784&Year=0>

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. REVIEW OF THE LICENSING ACT POLICY

**Appendix A
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The Director of Local Services and Enforcement submits a report requesting Members to comment upon the proposed policy and special policy on cumulative impact to assist Council when setting the policy for 2016-2021.

7. REVIEW OF THE GAMBLING ACT POLICY

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The Director of Local Services and Enforcement submits a report seeking the Committee's views on the Gambling Policy for 2016 – 2019 prior to its approval by Council.

8. ANY OTHER URGENT BUSINESS



Leicester
City Council

WARDS AFFECTED
All

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Licensing and Public Safety Committee

27 October 2015

Review of Statement of Licensing Policy

Report of the Director of Local Services and Enforcement

1. Purpose of Report

- 1.1. To obtain the Licensing and Public Safety Committee's views on the proposed Licensing Policy for February 2016 to February 2021.

2. Recommendations

- 2.1. Members are asked to provide comments on the proposed policy and the special policy on cumulative impact, to assist Full Council when setting the policy for 2016 to 2021.

3. Background

- 3.1 The Licensing Policy sets out the authority's position on matters relating to the Licensing Act 2003. This Act deals with
 - The sale or supply of alcohol
 - Regulated entertainment
 - Late night refreshment
- 3.2 Authorities are required to review and consult on their Licensing Policy every five years. Leicester City Council's current policy expires in February 2016.
- 3.3 The Licensing Committee was invited to comment on the policy in August 2015, but asked to see comments received as part of the public consultation before responding. These comments are shown in Appendix B, together with officer responses.

4 Proposals

- 4.1 The proposed Licensing Policy for 2016-2021 is attached at Appendix A.
- 4.2 The main changes to the licensing policy are as follows:

Paragraph 7.8 - The licensing authority recommends that proper incident recording systems are in place.

Paragraph 7.13 - Recognises that it may be appropriate to carry out a risk assessment where events promoted by a third party or which are not part of the usual business of the premises are to take place.

Paragraph 7.14 – Sets out the steps that the licensing authority would expect to be taken to prevent crowd disorder at boxing events.

Paragraph 9.1 – The licensing authority recommends that off-licences in areas associated with problem street drinking take certain steps to prevent problems occurring.

Paragraph 10.6 – The licensing authority recommends that a risk assessment is undertaken and the police are informed about events aimed at children in premises which normally sell alcohol.

- 4.3 The special policy on cumulative impact is also being reviewed. The policy currently identifies four separate areas – Churchgate area, Belvoir Street area, Braunstone Gate / Narborough Road area and London Road / Granby Street area (for off licences only).

5. Foreword

- 5.1. One issue on which the Committee's views are invited is whether the policy should have a foreword. A foreword would provide an opportunity to set out the Council's views on issues that would not normally be included in the policy, for instance a vision for the City. Statements that could be part of the foreword could include any of the following:

- a vision for the city as having a vibrant night time economy where people can enjoy a safe night out.
- a commitment to having a broad range of licensed premises in the city
- a desire to reduce the number of vertical drinking establishments to help prevent drunkenness
- an intention to work with CAMRA and others to protect and safeguard the future of our pubs and clubs
- an intention for partnership working with other agencies including the police
- an intention to protect the health and well-being of Leicester's residents, whilst noting that health is not a licensing objective
- an intention to work in partnership with licensed premises, but to deal effectively with premises that are badly managed

- 5.2. The foreword would need to contain a statement that it did not form part of the policy. The disadvantage of this approach would be that the policy itself would not be effective in addressing the issues raised by the foreword. In addition, the foreword could potentially be used by an appellant to argue that the

Council had not been objective in determining applications made under the Act.

5 Financial, Legal and Other Implications

Financial Implications

7.1 There are no significant financial implications arising from any changes to the policy.

Amin Girach - Accountant

Legal Implications

7.2 Section 5 of the Licensing Act 2003 requires the Council as a Licensing Authority to determine its statement of licensing policy each five-year period. Before determining the statement of licensing policy the Authority must consult on it, the Authority must then publish the statement of licensing policy. Throughout the five year period the Authority is required to keep the statement of licensing policy under review and make any revisions as may be appropriate.

Nicky Agalamanyi - Legal Services

6 Crime and Disorder Implications

8.1 The prevention of crime and disorder is one of the four licensing objectives. These objectives are the primary consideration when carrying out any function under the Licensing Act 2003.

7 Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within the Report
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	Yes	8.1
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

8 Background Papers – Local Government Act 1972

None

9 Consultations

None

10 Report Author

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Leicester City Council

DRAFT Statement of Licensing Policy

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1 Introduction

Purpose

- 1.1 This Statement of Licensing Policy explains how the licensing authority will carry out its role under the Licensing Act 2003, during the next five years. During this period the licensing authority will keep this policy under review and may make revisions to the document following consultation with the bodies outlined below. The policy will also:
- be used as a guide by members of the Licensing Authority in their decision making ;
 - inform applicants about how applications will be viewed and how a licensed premises is likely to be able to operate within the area of the Licensing Authority, albeit that each application will be examined and considered on an individual basis;
 - inform residents and businesses about how applications will be viewed and how their needs will be addressed;
 - be used to support decisions made by the Licensing Authority when these decisions are challenged in a court of law.

Consultation

- 1.2 In developing this Statement the Licensing Authority has consulted with the groups set out below, and has taken account of their views:
- the police
 - the fire authority
 - persons representing holders of existing premises licences and personal licence
 - persons representing holders of existing club premises certificates
 - bodies representing businesses and residents in the Leicester city area
 - other groups that the Licensing Authority considered appropriate

Licensable Activities

- 1.3 The licensable activities are:
- the sale of alcohol by retail
 - the supply of alcohol by or on behalf of a club, or to the order of, a member of the club
 - the provision of late night refreshment
 - the provision of regulated entertainment,

Regulated entertainment requires a licence when it is performed in front of an audience and depending on the hours, size of audience and type of premises, includes the following:

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment (indoors and outdoors)
- a performance of live music (not incidental music, e.g. a piano in a restaurant)
- any playing of recorded music
- a performance of dance
- and similar types of musical or dance related entertainment.

2 Fundamental Principles

Background

2.1 This Statement of Licensing Policy sets out how the Licensing Authority will carry out its functions under the Licensing Act 2003. However, all decisions relating to licences will be made on the merits of the individual case, having regard to this policy as part of the decision making process.

The Licensing Objectives

2.2 The Licensing Authority will carry out its functions with a view to promoting the licensing objectives. The licensing objectives, which carry equal importance, are:

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

Balance

2.3 The Licensing Authority will also seek to achieve a balance between leisure/entertainment and the needs of residents and other businesses for an acceptable environment and quality of life.

2.4 This Policy will not undermine the right of any individual to apply for a variety of permissions and to have any such application considered on its individual merits. Nor will it override the right of any person to make representations on an application or seek a review of a licence or where provision has been made for them to do so in the Licensing Act 2003.

Relevancy

- 2.5 Licensing is about the control of premises and places being used for licensable activities and the vicinity of those premises and places. The terms and conditions attached to various permissions are focused on relevant matters that are within the control of the holders of those permissions. This means those matters occurring at, and in the immediate vicinity of, premises, and the direct impact they have on nearby residents and businesses. The 'vicinity' will be a question of fact in each case, and the authority will primarily focus on the direct impact of the activities taking place on members of the public living, working or engaged in normal activity in the area concerned.
- 2.6 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.

3 Cumulative Impact

- 3.1 The Licensing Authority recognises that there can be confusion about the difference between "need" and "cumulative impact" of premises on the licensing objectives, for example, on crime and disorder or public nuisance. "Need" concerns the commercial demand for another pub, restaurant, etc. It is not a matter for a Licensing Authority in discharging the licensing functions or for this statement of licensing policy, but is a matter for planning committees and for the commercial market. On the other hand, the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the Licensing Authority and its licensing committee to consider.
- 3.2 In certain situations the number, type and density of premises selling alcohol may be associated with serious problems of crime and disorder. Where the impact on surrounding areas of customers taken together may be greater than the usual impact of customers from individual premises, the licensing authority may consider that a special policy is needed to deal with this cumulative impact.
- 3.3 The Authority recognises that once away from licensed premises, there is always a risk that a minority of consumers will behave badly and unlawfully. Depending on the circumstances, there are other mechanisms available for addressing such issues for instance:
- planning controls;
 - positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
 - the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;

- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- the confiscation of alcohol from adults and children in designated areas;
- police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance; and
- the power of the police, other responsible authorities or any other person to seek a review of the licence or certificate in question;

4 Policy on Cumulative Impact

- 4.1 The Licensing Authority has received a representation from Leicestershire Police that the circumstances described above exist in relation to parts of Leicester's City Centre, and that the grant or variation of further premises licences or club premises certificates would undermine the crime prevention objective.
- 4.2 In response to this representation the Licensing Authority has:
- Considered evidence about the extent of the problem of crime and disorder;
 - Considered evidence about the likely association of the problem with the number and density of licensed premises in the city centre;
 - Consulted on the proposal for a special policy in relation to new licences and variations to existing ones within the City Centre;
 - Considered the outcome of that consultation; and
 - Resolved to declare the continuation of the special policies described below.
- 4.3 The Licensing Authority will continue to adopt a special policy on cumulative impact in relation to the area of the City Centre:
- bounded by Churchgate, Haymarket, Belgrave Gate (from Haymarket to Abbey Street), Abbey Street and Burleys Way (from Abbey Street to Church Gate);
 - including both sides of the streets bounding the area;
 - including Gravel Street, Mansfield Street, New Road, Sandacre Street and Short Street within the area.
- 4.4 The area of this policy is marked on the map at Appendix 1.
- 4.5 The Licensing Authority will continue to adopt a special policy on cumulative impact in relation to the Belvoir Street area of the City:
- bounded by Belvoir Street, Granby Street (from Belvoir Street to Chatham Street), Chatham Street, Wellington Street (from Belvoir

- Street to Park Street), Park Street, New Walk (from Park Street to King Street) and King Street (from New Walk to Belvoir Street);
 - including both sides of the street bounding the area;
 - including Stamford Street and part of Albion Street (from Belvoir Street to Chatham Street) within the area.
- 4.6 The area of this policy is marked on the map at Appendix 1.
- 4.7 The Licensing Authority will continue to adopt a special policy on cumulative impact in relation to the Braunstone Gate area of the City:
- bounded by Braunstone Gate, New Park Street, Narborough Road from New Park Street to Upperton Road, and Hinckley Road (from Narborough Road to Fosse Road Central/Fosse Road South);
 - including both sides of the streets bounding the area;
 - including Thorpe Street, Foxon Street and Earl Howe Terrace within the area.
- 4.8 The area of this policy is marked on the map at Appendix 2.
- 4.9 The Licensing Authority will continue to adopt a special policy on cumulative impact for off-licences in relation to the London Road/Granby Street area of the City:
- bounded by Conduit Street, Sparkenhoe Street (from Conduit Street to Highfield Street), Highfield Street, London Road (from Granby Street to Granville Road) and Granby Street (from London Road to Chatham Street);
 - including Glebe Street, Andover Street, Lincoln Street, Prebend Street, College Street, Hobart Street, Seymour Street, Saxby Street, Gotham Street, Tichbourne Street (from Saxby Street to Highfield Street), and Severn Street (from Saxby Street to Highfield Street).
 - including both sides of the street bounding the area;
- 4.10 The area of this policy is marked on the map at Appendix 1.
- 4.11 The cumulative impact policies will only come into effect where relevant representations are received in relation to a specific application. If there are no representations the licensing authority must grant a premises licence/club premises certificate in accordance with the application.
- 4.12 The Licensing Authority recognises, however, that these policies cannot be absolute and it will continue to consider each application on its merits. Licences that are unlikely to add to the problems of cumulative impact would be approved.
- 4.13 The effect of the special policies will be to create a rebuttable presumption that applications for new premises licences or club premises certificates, or material variations, will normally be refused. It will be for the applicant to

demonstrate that the premises will not add to the existing cumulative impact. Applicants will need to address this matter in their operating schedules.

- 4.14 The authority acknowledges that the impact will be different for premises with different styles and characteristics.
- 4.15 The authority will review these policies at appropriate times and if it considers that they need to be amended will undertake appropriate consultation before any amendment is made.
- 4.16 The policies will not be used to:
- remove a licence when representations are received about problems with an existing licensed premises; or to
 - justify the rejection of modifications to a licence except where those modifications are directly relevant to the special policy; or to
 - adopt quotas or set terminal hours in a particular area that pre-determine the individual merits of any application.

5 Licensing Hours

- 5.1 In making decisions that relate to the hours for which a premises is licensed, particular consideration will be given to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. Each case will be decided on its individual merits.
- 5.2 It is recognised that longer licensing hours are important to help to ensure that concentrations of customers leaving licensed premises simultaneously are avoided. In turn this will reduce the potential for disorder at fast food outlets, taxi ranks and other sources of transport. This will be balanced, however, against the duty to promote the licensing objectives and the rights of local residents to peace and quiet.
- 5.3 In relation to shops and other retail outlets supplying alcohol for consumption off the premises, the general policy will be to allow sales of alcohol at all times that the premises is open for business. However, there may be circumstances in which restricting the hours of opening of a particular premises is in the interests of promoting the licensing objectives.
- 5.4 In making decisions in respect of licensing hours, consideration will be given to representations made by residents and businesses in the vicinity of the premises, their representatives, and the police as well as the applicant. This may lead to the imposition of stricter conditions on noise controls in areas of denser residential accommodation
- 5.5 Fixed trading hours will not be set for particular geographical areas. Each case will be decided on its own merits based on whether the licensing objectives can be met.

6 Promotion of the Licensing Objectives

6.1 The Licensing Authority is required to carry out its functions so as to promote the licensing objectives. This includes its role in:

- Granting or refusing applications for licences;
- Reviewing licences;
- Imposing conditions;
- Deciding how to integrate with other strategies of the council.

6.2 Licence applications should be accompanied by an operating schedule that includes the steps that the applicant proposes to take to promote the licensing objectives. The Licensing Authority strongly recommends that the process of developing the operating schedule includes a thorough risk assessment with regard to the licensing objectives, which will assist in identifying those steps.

6.3 Applicants for licences are urged to discuss their proposals with the responsible authorities prior to submitting an application. This will enable them to seek advice on the production of their operating schedule and may avoid the need for a hearing in response to representations made by the authorities. In particular the following authorities should be contacted: The relevant authorities are:

- Prevention of Crime and Disorder – Leicestershire Police, Public Safety – Leicestershire Police, Leicestershire Fire and Rescue, the City Council’s Environmental Health Officers with responsibility for Health & Safety
- Public Nuisance – the City Council’s Environmental Health Officers and Pollution Control Officers with responsibility for Pollution Control
- Protection of Children from Harm – Local Safeguarding Children Board, Leicestershire Police.
- A guide on how to write an operating schedule to meet the requirements of the responsible authorities is available from the Licensing Authority or can be downloaded from the Licensing Authority’s web-site at:
<http://www.leicester.gov.uk/licensing/>

6.4 The following sections set out those steps that the licensing authority considers would ordinarily be appropriate for particular types or premises. The licensing authority would strongly encourage applicants and licence holders to consider adopting these requirements. However the Licensing Authority will not impose them indiscriminately. Applicants and licence holders may decide that it is not necessary to include these steps in the operating schedule for the premises, based on the particular circumstances involved. Equally it may be necessary to take steps to promote the licensing objectives in their premises, because of particular circumstances, even though they would not ordinarily be necessary.

7 The Prevention of Crime and Disorder

CCTV

- 7.1 The presence of CCTV cameras can be an important means of deterring and detecting crime at, and immediately outside, licensed premises. The Licensing Authority will therefore support the provision of CCTV in city centre pubs and clubs and city centre late night refreshment premises. The CCTV should be installed and maintained on the advice of Leicestershire Police.
- 7.2 The licensing authority recommends that CCTV is installed in the following types of premises:

Premises in the City Centre and Braunstone Gate Saturation Area (Paragraph 4.7)

- Premises open after midnight;
- Premises with facilities for dancing;
- Cinemas and theatres;
- Members' Clubs;
- Pubs and bars;
- Off-licences;
- Late night takeaways.

Premises Outside the City Centre

- Pubs and bars;
- Off-licences;

Door Supervision

- 7.3 Door supervisors can be used to ensure that persons waiting to enter licensed premises behave in orderly manner. They can also ensure that only appropriate persons are admitted to the premises, and assist with the operation of proof of age schemes. The number of door supervisors necessary and the times at which they are employed should be based on a risk assessment. Any staff employed as door supervisors must be registered with the Security Industry Authority.
- 7.4 The licensing authority recommends that door supervisors are employed at appropriate times in the following types of premises:

Premises in the City Centre and Braunstone Gate Saturation Area (Paragraph 4.7)

- Premises open after midnight;
- Premises with facilities for dancing;
- Cinemas and theatres;
- Members' Clubs;
- Pubs and bars;
- Off-licences;

Premises Outside the City Centre

Pubs and bars;

Staff Training

- 7.5 Adequate and appropriate staff training forms a vital part of ensuring licensed premises are properly run so as to promote the licensing objectives. The Level1 Award in Responsible Alcohol Retailing from the BIIAB ensures successful participants are able to act within the law and to support the designated premises supervisor to retail alcohol responsibly on their licensed premises.
- 7.6 The licensing authority supports staff training in general and in particular recommends that appropriate staff training is provided in the following types of premises:

Premises in the City Centre and Braunstone Gate Saturation Area (Paragraph 4.7)

- Premises open after midnight;
- Premises with facilities for dancing;
- Cinemas and theatres;
- Members' Clubs;
- Pubs and bars;
- Restaurants and cafes
- Off-licences;

Premises Outside the City Centre

- Pubs and bars;
- Members' clubs
- Premises run by local community organisations
- Restaurants and cafes
- Off-licences

Open Containers of Alcohol

- 7.7 Leicester is subject to a citywide street drinking order. To support this, the Licensing Authority considers it appropriate for city centre premises to adopt a policy of prohibiting open containers of alcohol being taken from the premises. This approach will also prevent the use of these containers as offensive weapons.

Record Keeping and Reporting

- 7.8 The Licensing Authority considers it appropriate for city centre premises to keep proper records of all instances of refusal to sell alcohol and incidents of crime and disorder. The records must be immediately available to Police and Licensing Officers on request. All instances of crime and disorder should be reported to the Police.

Irresponsible Drinks Promotions

- 7.9 The Licensing Authority will support an approach to the marketing of alcohol and the management of licensed premises that promotes responsibility in the consumption of alcohol.
- 7.10 All premises that sell alcohol are subject to a mandatory condition which makes irresponsible drinks promotions illegal. Determining whether a drinks promotion is irresponsible or not will require a subjective judgement. The sale of alcohol to persons who are already drunk is an offence under the Act. The incidence of drunken people present at a premises may provide an indication that the marketing and sale of alcohol at the premises is not being approached in a responsible way.

Dance Venues

- 7.11 The culture of dance venues requires that special consideration be given to the steps required to prevent crime and disorder and promote public safety. It is recommended that operators of night clubs providing facilities for dancing are aware of the detailed guidance provided in the “*Safer Clubbing Guide*” published by the Government and available for download from the Licensing Authority’s web-site. <http://www.leicester.gov.uk/licensing/>
- 7.12 The licensing authority would support the following steps to promote the licensing objectives in pubs and clubs opening beyond midnight that provide dance facilities. Other pubs and clubs, depending on circumstances, may also benefit from these steps:
- Adoption of the City Council’s policy on preventing drugs misuse
 - Searching of customers before entry in accordance with the Leicestershire Police Code of Practice on *Searching and Licensed Premises*. This will be aimed at preventing drugs and offensive weapons being brought into premises.

Other Steps to Promote the Prevention of Crime and Disorder

- 7.13 There is a wide range of other steps which may be appropriate in particular circumstances including:
- Prohibiting the sale of alcohol in bottles for consumption on the premises, to prevent their use as weapons
 - Requiring drinking vessels to be plastic or toughened glass.
 - Requiring the provision of radios to connect premises supervisors in town and city centres to the police
 - Appropriate measures to prevent overcrowding in parts of the premises
 - Carrying out a risk assessment where events promoted by a third party, or where the event is not part of the premises usual business.
 - Effectively managing incidents involving crime and disorder, a guide to this produced by Leicestershire Police is available on the Council’s website: <http://www.leicester.gov.uk/licensing>
 - Ensuring drunkenness is not tolerated on licensed premises. Advice on this issue

produced by the Leicestershire Police is available on the Council's website:
<http://www.leicester.gov.uk/licensing>

Boxing and Wrestling

7.14 Boxing and wrestling events performed before an audience will require an authorisation under the Licensing Act. Before granting an authorisation, the licensing authority will want to be satisfied that adequate measures have been taken to ensure that crowd disorder does not occur. The licensing authority recommends that a risk assessment should be undertaken to determine what steps are necessary to promote the licensing objectives and this could include:

- Adequate door supervision;
- Not holding bouts between contestants which have resulted in disorder in the past;
- Police supervision on site during the event.
- Bare knuckle and some other forms of boxing may be illegal. Leicestershire police should be contacted for advice on this.

8 Public Safety

Premises Licensed for Regulated Entertainment

8.1 Premises licensed for regulated entertainment, including cinemas and theatres, are subject to a range of legislative requirements and regulatory regimes such as the Health and Safety at Work Act and the Regulatory Reform (Fire Safety) Order 2005, aimed at protecting public safety. The Licensing Authority does not intend to duplicate requirements of existing statutory provisions. However, premises will be expected to ensure a level of compliance that promotes public safety.

8.2 Premises providing regulated entertainment have particular safety issues associated with their ability to attract significant numbers of people to a venue. The Licensing Authority will support measures designed to promote public safety in this context. This may include:

- Setting a capacity limit for all, or separate parts, of the premises.
- The provision of staff to control admission and to control customers inside premises and at outdoor events.

9 The Prevention of Public Nuisance

9.1 The licensing authority recommends that off-licences in areas associated with problem street drinking introduce reducing the strength schemes. The measures associated with such schemes aim to reduce the availability of the types of alcohol favoured by street drinkers. These should include:

- Not selling beers, lagers, ciders or perries with ABV above 5.5%;

- Not selling single cans of beer, lager, cider or perry and no single bottles of beer, lager, cider or perry of less than 500ml.
- 9.2 The Licensing Authority recommends that a risk assessment should be carried out by applicants for premises licences and club premises certificates to determine the potential effect on neighbouring premises. Advice and assistance in undertaking this task should be sought from City Council Environmental Health Officers. Steps which should be considered include the installation of a noise limiting device to control the level of amplified music and improved sound insulation particularly to doors and windows.
- 9.3 The licensing authority recommends that where appropriate, noise limiting devices and improved sound insulation are provided in the following types of premises:

Premises in the City Centre and Braunstone Gate Saturation Area (Paragraph 4.7)

- Premises open after midnight;
- Premises with facilities for dancing;
- Cinemas and theatres;
- Members' Clubs;
- Pubs and bars;
- Restaurants and cafes

Premises Outside the City Centre

- Pubs and bars;
- Members' clubs
- Premises run by local community organisations
- Restaurants and cafes

Other steps to promote the prevention of public nuisance

- 9.4 Other steps which may be appropriate to prevent public nuisance include :
- Limitation on hours of operation where necessary to prevent nuisance and disturbance
 - Steps to prevent noise, disturbance and anti-social behaviour from people arriving at and leaving the premises
 - Stricter controls will be supported in areas in closer proximity to residential accommodation.

10 The Protection of Children from Harm

General

- 10.1 The Licensing Authority will carry out its responsibilities so as to promote the licensing objective of protection of children from harm. In doing so it will take into account representations made by the Local Safeguarding Children Board on each application.

Access by children to licensed premises

10.2 The Licensing Authority will not seek to limit the access of children to licensed premises unless it is necessary to protect children from harm. The following areas would give rise to particular concern in respect of children:

- Where entertainment or services of an adult or sexual nature are commonly provided;
- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking.
- Where there has been an association at the premises with drug taking or dealing.
- Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines or of bingo)
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

10.3 Conditions will not be imposed that require the admission of children. This will remain a matter for the discretion of the licence holder.

10.4 The range of options available to limit the access of children to licensed premises that may be imposed by the Licensing Authority include:

- Limitations on the hours where children may be present;
- Age limitations (below 18);
- Limitations or exclusions when certain activities are taking place;
- Limitations on the parts of premises to which children might be given access;
- Requirements for an accompanying adult;
- In exceptional cases, exclusion of people under the age of 18 from the premises when any licensable activities are taking place.

Children and Cinemas

10.5 Licence holders will be expected to prevent children from viewing films that are unsuitable because of the age classification of the film that has been imposed by the British Board of Film Classification or other film classification board approved by the licensing authority. Children will not be permitted to view un-certificated films, unless the licensing authority has given permission following a formal authorization process.

Children and Public Entertainment

10.6 The Licensing Authority will expect that when public entertainment events aimed at children take place on premises licensed to sell alcohol, a risk

assessment takes place, appropriate measures are taken to protect children from harm, and where appropriate the Police are informed of the event.

- 10.7 The Licensing Authority will expect that where a significant number of unaccompanied children will be present during a public entertainment event, the licence holder will ensure that an adequate number of suitable adult staff are present to control the access, egress and safety in and around the premises. The licence holder should take into account the number of children to be present, the type of entertainment, the age of the children, the characteristics of the premises and any other relevant factor.

Children and the Sale of Alcohol

- 10.8 Since 1 October 2010, a mandatory condition is imposed on all licensed premises to adopt and implement a proof of age scheme in licensed premises. However, the licensing authority is aware, that there are premises which fail to prevent the sale of alcohol to children. It will therefore take whatever opportunity arises to ensure that the licensing objective of protecting children from harm is promoted.
- 10.9 The Licensing Authority supports as best practice that licensed premises adopt and sign up to the “Challenge 21” scheme that is administered by the Police and Trading Standards. The licensing authority supports PASS cards complying with the Proof of Age Standards Scheme (PASS) launched in January 2003 by the British Retail Consortium as the most effective means of proving age.

The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

- 10.10 The Licensing Authority supports the Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. It will seek to ensure that premises licensed for the sale of alcohol comply with the code.

11 Integrating strategies

- 11.1 The Licensing Authority will seek to achieve integration with the strategies set out below and will consult with the appropriate organisations to achieve this.

Crime Reduction Partnership

- 11.2 The Licensing Authority recognises its responsibility to address issues relating to crime and disorder and is committed to working together, with other partners, to make Leicester a safe and attractive city in which to live, work, study and socialise.
- 11.3 In making decisions, the Licensing Authority will consider the Safer Leicester Partnership Strategy, especially relating to,

- Reducing the opportunities for crime to occur
- Tackling disorder and anti-social behaviour
- Reducing the fear of crime
- Combating the use of drugs

Planning

- 11.4 The Licensing Authority will ensure that planning and licensing regimes are properly separated to avoid duplication and inefficiency. Applicants must bear in mind the need for both planning permission and an appropriate licence, and are encouraged to seek planning permission first.
- 11.5 The Licensing Committee is not bound by decisions of the Planning Committee, and vice versa.

Leicester's Cultural Ambition

- 11.6 Leicester's Cultural Ambition is to build on our international connections, magnify our originality and bring people together. It will create a thriving global city where people flourish, where opportunities are created, where 'We Are Leicester'.
- 11.7 The International Covenant on Economic, Social and Cultural Rights (ICESCR) which was ratified by the UK in 1976 recognises *the right of everyone to take part in cultural life* and requires that active steps are taken to develop cultural activity and ensure that everyone can participate in the cultural life of the community.
- 11.8 The City Council has sought premises licences for selected public spaces in the community in its own name. This includes, for example, green spaces, parks, city centre squares etc. Performers and entertainers require permission from the Council, as the premises licence holder, to use these spaces for regulated entertainment.
- 11.9 This licensing policy will operate in the spirit of the Cultural Ambition Statement and the ICESCR. In doing so it will seek to maintain a balance between regulation and supporting cultural activity. It will strive to maintain a balance between the need to 'manage' any detrimental impacts of an activity in a community with the many benefits cultural activity brings to communities, in developing personal aspiration and potential, building cohesive communities, providing opportunities for young people, contributing to economic growth and regeneration and the development of sustainable communities.
- 11.10 In order to maintain this balance the Licensing Authority will:
- monitor the impact of licensing on the provision of regulated cultural activities and entertainment, such as live music, theatre, dance and festivals

- create a dialogue with the cultural sector about the impact of the licensing policy and work with our partners to balance different interests
- seek to ensure that conditions attached to licences do not deter live music, festivals, theatre, sporting events etc by imposing unnecessary restrictions
- seek to ensure that conditions attached to licences do not deter new or small scale groups/ activities in communities by imposing conditions which will lead to a cost disproportionate to the size of the event
- seek to create an environment which minimises nuisance and anti social behaviour connected to cultural activity and events but without undermining our commitment to increase access to cultural participation as a fundamental human right

Building Control

- 11.11 The Building Regulation process is a separate system to the licensing regime but complementary in terms of some shared objectives.
- 11.12 Where a licence is applied for or exists and any Building Regulated work is carried out, either as a material alteration, change of use or new build to a licensed premises, the owner / licence holder should ensure that before opening to the public, Building Regulations consent has been granted in full and that completion certificates have been issued.
- 11.13 Two separate and distinct certificates are issued on a commercial or work place premises. The first confirms compliance with Building Regulations in general and the second confirms compliance in terms of fire precautions, including means of escape in case of fire. A copy of this second certificate is sent to the Fire and Rescue Service, which triggers their responsibilities under the Regulatory Reform (Fire Safety) Order 2005 and enforcement of risk assessments.

Promotion of Equality

- 11.14 In developing this strategy, the Licensing Authority has recognised its responsibilities under the Equality Act 2010, to consider the need to eliminate unlawful discrimination and to promote equal opportunities. This Licensing Policy therefore supports and is supported by the City Council's Equal Opportunities Policy.
- 11.15 The following actions, which have been identified as being necessary to promote equality, and within the scope of the Act and supporting guidance, will be implemented by the Licensing Authority:
- The Licensing Policy and associated documents will be available on the internet, and in other formats upon request.
 - The licensing objective of protecting children from harm will be promoted.
 - Support will be offered to licence applicants, licence holders and potential objectors who are socially excluded.

- Account will be taken of the effect of specific applications on community cohesion, including the need to balance the benefits of cultural and community activities with limited local disturbance.
- Action will be taken to endeavour to ensure the safety of vulnerable people in licensed premises.
- Action will be taken to ensure that all applications, particularly those for disadvantaged groups, are dealt with fairly.

11.16 The Licensing Authority is aware that there may be particular sensitivities of certain buildings, for example religious buildings, to certain licensable activities taking place in close proximity. If and when this proximity has an impact on the promotion of one of the licensing objectives this may be a matter for the Licensing Authority.

Disabled Access

11.17 The guidance supporting the Act advises that conditions relating to disabled access should not be attached to licences, as this would duplicate existing statutory requirements. The Licensing Authority therefore takes this opportunity to remind operators of premises of their duties under the Equality Act 2010.

Transport

11.18 Transport Strategy is set out in the Local Transport Plan (LTP).

11.19 The LTP policies seek to ensure that alternatives to the use of the private car are available; these alternatives include walking, cycling and public transport (bus, rail and taxi). They are operated in conjunction with land use policies to seek to ensure that development takes place in locations where these alternatives can be best provided; the City Centre is naturally one of these locations, particularly with regard to public transport.

11.20 A high level of bus services is provided commercially between the hours of 7am and 7pm Monday to Saturday. Lower levels of services are provided up to 11pm and on Sundays, and the Council's Transport Strategy will continue to seek ways of improving the provision of bus services at these times and later at night to assist in getting people away from the City Centre quickly, safely and efficiently.

11.23 Taxis play a key role in filling in gaps in public transport services and offering a flexible, accessible door-to-door service. The City Council's aim is to improve the provision of ranks and investigate the use of innovative systems to manage the use of ranks taking into account customer need, balancing supply around the City Centre and minimising the need for kerb-side space.

12 Duplication

- 12.1 The Authority will avoid duplication with other regulatory regimes (eg the Health and Safety at Work Act) insofar as attaching conditions to premises licences and club premises certificates.
- 12.2 Conditions will only be attached where they are necessary for the promotion of the licensing objectives. If matters are already provided for in other legislation they cannot be considered necessary in the context of licensing law.

13 Standardised Conditions

- 13.1 Conditions may only be attached to premises licences and club premises certificates
- in order to implement the relevant operating schedule,
 - following a hearing where a relevant representation has been upheld, or
 - following a review hearing where the grounds for review have been upheld.
- 13.2 The Licensing Authority will only attach to premises licences and club premises certificates those conditions that are tailored to the individual style and characteristics of the premises and the events concerned, and where they are necessary for the promotion of one or more of the licensing objectives.
- 13.3 However, to aid administration the licensing authority maintains a list of standard conditions on its website which details appropriate and proportionate conditions to cover particular circumstances. This is not intended to be an exhaustive list and other specific conditions may be appropriate.

14 Personal Licences

- 14.1 The Licensing Authority recognises the important role that personal licence holders have to play in the promotion of the licensing objectives at premises selling alcohol. For this reason personal licence holders are required to have prescribed training and not have relevant convictions that would indicate their unsuitability.
- 14.2 Every sale of alcohol at a licensed premises is required to be authorised by a personal licence holder. Because of the importance of their role, the Licensing Authority considers it to be good practice for personal licence holders to have significant operational involvement in the sale of alcohol rather than to undertake a remote, periodic authorisation of other staff. In practical terms this would mean authorisation on at least a daily basis, and to be available on the premises throughout most of the day to deal with circumstances requiring their expertise and authority.
- 14.3 When applying for a personal licence, the Licensing Authority require

applicants to produce acceptable evidence of their criminal record status. All applicants would also be expected to make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or an equivalent foreign offence.

- 14.4 In accordance with the Secretary of State's advice the Licensing Authority will normally refuse applications where the police have issued an objection notice unless there are, in the opinion of the Licensing Authority, exceptional and compelling reasons which justify granting the application.

15 Temporary Event Notices

- 15.1 Part 5 of the Licensing Act allows licensing activities to be carried out in specified circumstances on a temporary basis, subject to a temporary event notice (TEN) being served on the Licensing Authority, with copies to the chief officer of police and the noise team of the City Council, ten working days before the event. The chief officer of police or the noise team may object to the event if they are satisfied that one or more of the licensing objectives may be undermined.
- 15.2 The Licensing Authority considers that it is important that the police and the noise team have sufficient time to properly evaluate the likely impact of a temporary event. Where insufficient notice of the event is given this may lead to objections being made that may have been unnecessary if a fuller evaluation had been possible. Equally, if notice of an event is given too far in advance it may be difficult to evaluate because of future uncertainty.
- 15.3 The Licensing Authority would therefore suggest as best practice that a temporary event notice is served between one and two months ahead of the event taking place.
- 15.4 If the police or noise team object to a TEN a hearing will be necessary. The possible outcomes following a hearing are to allow the event to proceed as requested, to impose conditions from an existing licence that applies to the premises concerned, or to give a counter notice to stop the event.
- 15.5 The police or the noise team may agree with the premises user that a TEN should be modified, eg, the times or the activities. This can be done without a formal hearing.
- 15.6 Late temporary event notices may be given between 5 and 9 working days before the event. If any representations are received there is no opportunity for a hearing and the event may not go ahead.

16 Enforcement

- 16.1 The Licensing Authority will carry out its responsibilities for enforcement so as to promote each of the four licensing objectives referred to in Section 1.

16.2 The Licensing Authority will develop and review enforcement protocols in agreement with the police and other enforcement agencies as appropriate.

16.3 Enforcement activities will be targeted in terms of risk and so as best to promote the licensing objectives. In addition account will be taken of the general enforcement policy of the licensing authority, which aims to ensure that enforcement is open, fair, reasonable and proportionate.

16.4 Enforcement activities will include operations designed to:

- Ensure compliance with conditions attached to licences, operating schedules, requirements specified in the this Statement of Policy, and the requirements of the Licensing Act itself;
- Protect public safety;
- Prevent nuisance;
- Prevent crime and disorder;
- Protect children from harm;
- Identify unlicensed activities;
- Respond to complaints and representations from relevant individuals and responsible authorities;
- Prevent the sale of alcohol to minors
- Prevent the sale of alcohol to people who are drunk
- Identify the keeping of smuggled goods
- Prevent drug misuse

17 Live Music, Dancing, Theatre, Circuses and Street Arts

17.1 The Licensing Authority will ensure that when it considers applications for licences for entertainment involving live music, dancing, theatre, circuses and street arts it will act so as to promote the licensing objective of preventing public nuisance.

17.2 The Licensing Authority recognises that there is a need to encourage and promote a broad range of entertainment, particularly those activities identified above, because of the wider cultural benefits to communities. The potential for limited disturbance will therefore be balanced against these wider benefits.

17.3 Where the entertainment consists of the performance of a play, showing of a film or unamplified live music, between the hours of 8am and 11pm, and to an audience of less than 500, a licence may not be necessary.

18 Other permissions

18.1 This Licensing Policy deals with the requirements of the Licensing Act 2003.

However, individual applicants may also require permission from other sections of the City Council or from outside bodies. More information is available on the City Council's website – www.leicester.gov.uk/licensing .

19 Delegation of Functions

19.1 The following matters will be determined by either the Licensing Committee or one of its sub-committees:

- Application for a personal licence where there has been a police objection;
- The review of a premises licence or club premises certificate;
- Decision to object when the local authority is the consultee and not the relevant authority considering the application;
- Determination of a police or noise team objection to a temporary event notice.

19.1 The following matters will be determined by either the Licensing Committee or one of its sub-committees where a relevant representation has been made:

- Application for a personal licence;
- Application for a premises licence or club premises certificate;
- Application for a provisional statement;
- Application for variation to a premises licence or club premises certificate;
- Application to vary a designated premises supervisor;
- Application for transfer of a premises licence
- Application for interim authority
- Determination of a temporary event notice.

19.2 The relevant Divisional Director will determine all other matters.

20 Period of Validity & Review

20.1 This statement of licensing policy will come into force on **7 February 2016** and be valid for five years.

20.2 The policy will be kept under review during the period of validity and if necessary amendments made.

20.3 Before a new policy is adopted or amendments made to the existing one the Licensing Authority will undertake consultation in accordance with Section 5 of the Licensing Act 2003.

Area of Special Policy on Cumulative Impact

See separate plans for:

- Churchgate area
- Belvoir Street area
- Braunstone Gate area
- London Road/Granby Street area (off licences only)

<p>1. Where a premises is not served by public transport the policy should take steps to ensure adequate parking.</p> <p>In particular the Marten Inn on Martin street is causing disruption and danger due to antisocial parking by customers.</p>	<p>Parking cannot be dealt with by Licensing Act powers</p>
<p>2. I think there should be greater powers for licencing to change conditions for individual premises with immediate effect, also every bar/club should have to sign up to city watch.</p>	<p>This would require a change in legislation rather than a change in policy</p>
<p>3. Health is a responsible authority yet has not been part of the group drafting the proposed policy and is not listed as one of the relevant bodies to be consulted regarding any further review (paragraphs 1.1 and 1.2)</p> <p>As it stands the draft policy is not explicit with regards to how it supports the coporate objectives of the council particularly in relation to the councils duty to promote and protect the public's health and wellbeing but also with regard to the manifesto commitments for a healthy leicester , builidng pride in our neighbourhoods and stronger communitites and a city of culture.</p> <p>A general introduction to the policy, which reflects the aspiration of the policy to support the overall vision for the city as somewhere that is vibrant and safe for everyone and which promotes the wellbeing of it's citizens would be welcome.</p> <p>The policy would benefit from a statement that stresses the councils commitment to widening the choice and appeal of licensed premises, and the development of culture and the protection of local residents.</p> <p>I would like to see a statement that says that the council wishes to discourage drunkenness and would encourage the provision of more seating, in place of vertical drinking establishments.</p> <p>A more explicit statement should be included that sets out the councils expectations that license holders act as responsible retailers of alcohol (this</p>	<p>There has not been a group involved in drafting the policy. This is a review of the current policy. Health were consulted directly as part of the review and this will be noted in the revised policy.</p> <p>The policy is about how the Council intends to promote the Licensing objectives as set out in the Act. Health is not unfortunately on of the Licensing objectives, nor are the other areas mentioned.</p> <p>This could be potentially dealt with in a foreword to the revised policy.</p> <p>There is a concern that the policy should not make commitments that are outside the remit of the Licensing Act and so the policy cannot influence.</p> <p>Is there any evidence to support that this is a problem in Leicester? The issue has not been raised in respect of any particular premises.</p> <p>Irresponsible drinks promotions are already covered by mandatory licence</p>

	<p>could be demonstrated by not having irresponsible promotions, having staff trained to recognise and deal with people who's immediate health and safety might be at risk from too much alcohol</p>	<p>conditions. Health and safety is covered by personal licence holder training.</p>
<p>4.</p>	<p>Authority should take steps to ensure that the rights of city centre residents are respected. There is currently NO consideration given to noise levels in the Cultural Quarter, no public signs telling people to respect the fact they are in a residential neighbourhood, Athena takes no notice at all of any sensible limits on noise, etc</p>	<p>Section 9 deals with preventing public nuisance.</p>
<p>5.</p>	<p>We question the net value of the nighttime economy to the City. The trade in alcohol - which is at the heart of the nighttime economy - brings with it significant costs in terms of public health, policing, emergency health services, antisocial behaviour, littering, noise and public nuisance. We wonder whether the City's economy gains to any significant or appreciable degree. There is plenty of research to show that employment in the nighttime economy tends to be precarious and poorly paid. Much of the profit generated by the businesses involved tends to flow out of the City because the businesses involved are headquartered elsewhere. We believe Leicester needs a more coherent approach to licensing that reduces licensing hours so that 2am becomes the latest closing time for all licensed premises. The granting of later licences should be the exception rather than the norm. If the Council is committed to the idea that the City should be a place of residence as well as a place for leisure and enjoyment it must balance the needs of residents alongside the needs of business.</p>	<p>Economic considerations are outside the scope of the Licensing Act.</p> <p>Powers exist to impose a 2am closing time across the City, if the council wishes to use them. This would be in the form of an EMRO. The introduction of an EMRO need not be included in the Council's licensing policy.</p>
<p>6.</p>	<p>Street drinking is an issue that is simply being pushed elsewhere or potentially criminalising people, who may not be a nuisance, but are in fact drinking on a street.</p> <p>The root problem is availability of alcohol at all hours of the day.</p> <p>E.g. I set off to work at 8am. At 8:10 at my bus stop there will be a small crowd gathered outside the local gambling shop, already drinking. I reach town</p>	<p>The Council cannot have an aim to reduce the hours during which alcohol is available except by the introduction of an EMRO. See above. An EMRO can only have effect between midnight and 6 am. This would not be effective in relation to preventing street drinking. The council has introduced a public spaces protection order to deal with drinking in the street.</p>

<p>(8:30) and walk towards my place of work and encounter a severely drunken individual relieving himself in the street. At lunchtime I walk to the local shop for lunch and in passing the park there are a group of individuals relaxing and drinking on the grass.</p> <p>I leave work and wait for the bus, on humberstone gate. There I can witness anything from the God-awful drunken karaoke hosted at The Fountain Pub, a fight occurring outside the black lion or a leering individual awaiting the same bus as me who will inevitably stagger and slur his way onto the bus.</p> <p>Please note that none of these individuals have caused me any harm or upset, however, if the council are of the opinion that this behaviour is a problem then the solution is to remove the ability to obtain alcohol throughout the daytime hours.</p> <p>Not to punish the proprietors or the person individually.</p>	
<p>7. We are pleased that the authority is not pressing for a late night levy which has had a detrimental effect on night life in other cities.</p>	<p>Noted</p>
<p>8. I think the propose draft if approved and implemented Will work well</p>	<p>Noted</p>
<p>9. Paragraph 8 - Public Safety - Premises licenses for Regulated Entertainment - STATES THE FOLLOWING</p> <p>8.1 refers to the Regulatory Reform (Fire Safety) Order 2005 and states that the authority ""does not intend to duplicate requirements" of this provision. - this is understandable, however, it would be beneficial if this paragraph could be expanded to incorporate more specific guidance, as this is a fundamental part of ensuring that the premises has given adequate consideration to this aspect of public safety.</p> <p>8.2 goes on to advise on safety issues relating to significant numbers of people in a venue and advises that the authority supports "measures</p>	<p>The Licensing Act cannot be used to deal with fire safety issues. Licensed premises are required to deal with a whole range of legislative requirements and it is suggested that it would be inappropriate to try to list these, rather the policy should focus on the implementation of the Licensing Act.</p>

<p>designed to promote public safety in this context. This may include:"</p> <p>"Setting a capacity limit for all, or separate parts ,of the premises"</p> <p>"The provision of staff to control admission and to control customers inside premises and at outdoor events".</p> <p>The RRO requires that licenses premises complete a Fire Risk Assessment and this should include an assessment of occupancy figures and how they will be managed. I would therefore suggest that the following wording or something similar is added to the Licensing Policy:</p> <p>"Premises and their operators must comply with current fire safety regulation orders. Licensed premises are therefore required to ensure that a Fire Risk Assessment is completed which included details of occupancy figures together with calculations as to how the documented figures have been arrived at, and how occupancy numbers will be maintained at the stated level"</p> <p>It would also be beneficial if the license application form included similar guidance as this is a fundamental part of ensuring that the premises has given adequate consideration and provided adequate measures with regards to the licensing objective of public safety.</p> <p>Paragraph 11:14 - Building Control -</p> <p>This paragraph states that "a copy of the second certificate is sent to the Fire and Rescue Service, which triggers their responsibilities under the Regulatory Reform (Fire Safety) Order 2005 and enforcement of risk assessments" .</p> <p>This statement is a little misleading as it implies that we inspect all licensed premises to enforce the risk assessment as soon as a completion certificate is received and this is not the case. I would therefore suggest that the words " and enforcement of risk assessments" is removed.</p>	<p>This recommended amendment will be made.</p>
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10	Venues need to have zero tolerance to harassment of all kinds, particularly sexual harassment. It puts people off using those venues and ultimately if a venue does not take serious action against incidents inside their venue then they need to re-evaluate their priorities.	Sexual harassment is not an issue that can specifically be dealt with under the Licensing Act, although public safety is a licensing objective which is addressed in Section 8.
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Leicester
City Council

WARDS AFFECTED: ALL

LICENSING & PUBLIC SAFETY COMMITTEE

27 October 2015

GAMBLING POLICY

Report of the Director of Local Services and Enforcement

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 2015.

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 2016-2019 no later than 3 January 2016 (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 2013. This policy was not significantly different to the original policy introduced in February 2007.
- 2.3 The Licensing Committee was invited to comment on the policy in August 2015, but asked to see comments received as part of the public consultation before responding. These comments are shown in Appendix B, together with officer responses.

3. Consultation

- 2.1 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 was also available on the council's website between 1 July and 16 August 2015.

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 2016-2019

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

5.2 A new item for consideration when developing a Gambling Policy is the creation of a Local Area Profile. This has been suggested by the Gambling Commission in order to draw data about risk from a number of bodies, including responsible authorities under the Gambling Act 2005. Completion of a profile is not a requirement on LAs and if they choose not to develop a specific local area profile, they are encouraged as a minimum to set out in their Policy Statement what they would expect local operators to include in the premises risk assessments that they are now obliged to produce.

5.3 Although a local area profile has not been produced for Leicester at this stage it is suggested that the Authority does develop and maintain a profile in the near future. Any such profile would be held on the City Council's website 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.

5.4 A new potential condition has been added in Part B Section 4, requiring that gaming machines should be located in direct line of sight from a staffed counter to promote the protection of children and vulnerable adults.

5.5 The proposed new policy is attached at Appendix A.

6. Foreword

6.1 One issue on which the Committee's views are invited is whether the policy should have a foreword. A foreword would provide an opportunity to set out the Council's views on issues that would not normally be included in the policy, for instance the Council's view that the law on stakes for fixed odds betting terminals should be changed and that the Council should have greater power to decide where gambling premises should be located. The foreword would need to contain a statement that it did not form part of the policy. The disadvantage of this approach would be that the policy itself would not be effective in addressing the issues raised by the foreword. In addition, the foreword could potentially be used by an appellant to argue that the Council had not been objective in determining applications made under the Act.

7. Recommendations

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

particular it is asked for its views on the appropriateness of a foreword to the policy being added.

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.

Amin Girach - Accountant

Legal Implications

- 6.2 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.
- 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 The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 state that 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 The Local Authorities (Functions and Responsibilities) (England) Regulations 2005 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.

Nicki Agalamanyi – Legal Services

7 Background Papers – Local Government Act 1972

None

8 Consultations

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

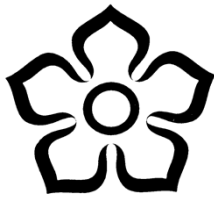
Head of Finance

- 9 Report Author**
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LEICESTER CITY COUNCIL

STATEMENT OF GAMBLING POLICY



Leicester
City Council

TO BE APPROVED BY FULL 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.”

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 (2001 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 Constabulary
- Existing providers of gambling facilities in Leicester:
(Details to be updated following completion of the consultation)
- Leicester City Council’s Children’s Services Department
- Other consultees:
(Details to be updated following completion of the consultation)

Our consultation took place between 1 July and 16 August 2015. The policy was approved at a meeting of the Full Council on **** 2015 and was published via our website on *** 2015.

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

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 Committee
- The Gambling Commission
- Leicestershire Police
- 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. 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 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
- 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 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.

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
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
- 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

Appendix A

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 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. Local Area Profiles

The City Council intends to develop and maintain a local area profile. The area profile will be held on the City Council's website www.leicester.gov.uk/licensing and will be updated from time to time.

Existing and new operators will 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.

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.

8. 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 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
- by post - Licensing Section, Leicester City Council, York House, 91 Granby Street, Leicester, LE1 6FBG

Consultation Responed Received - Appendix B

	Consultation Response	Officer Comments
1	Ban gambling machines.	The City Council has no power to do this
2	<p>There is no reason why the City Council’s Gambling Policy cannot reflect concerns about Fixed Odds Betting Terminals (FOBTs) and the way in which the proliferation of FOBTs has dramatically changed the gambling environment. This should be acknowledged in the Gambling Policy 2016-2019.</p> <p>The City Council’s Gambling Policy should recognise the way in which FOBTs have fundamentally changed the nature of high street betting shops. Many betting shops are no longer places where people place bets over the counter on racing and sports, but have become digital casinos. This is probably the biggest single change in the gambling environment and behaviours in recent years.</p> <p>It is accepted that the City Council cannot act alone to limit the numbers of FOBTs in betting shops in the city centre or in local neighbourhoods. This would require a new settlement between national and local government. However, I would argue that it would be reasonable to reflect our ambition to be able to do this in the City’s Gambling Policy. Having the ability to limit the number of FOBTs in individual betting shops and therefore in local communities and the city centre would be a useful tool for the local authority in managing a safe gambling environment in the city.</p> <p>Likewise on the issue of FOBT stakes the City Council formally supported the Sustainable Communities Act proposal led by Newham Council to limit the maximum FOBT stake to £2.00. Reflecting this formally in the city’s Gambling Policy would add further weight to the powerful case for limiting FOBT stakes in this way.</p> <p>Reflecting concerns on these matters would be entirely consistent with the stated aims of the Gambling Policy 2016-2019.</p> <p>In considering applications for new licenses for betting shops intending to locate FOBTs the Gambling Policy should be strengthened particularly in relation to the</p>	<p>The purpose of the Gambling Policy is to set out how the City Council will fulfil its responsibilities under the Gambling Act. This could be included in a foreword to the policy.</p> <p>Whilst the council has concerns about FOBTs, it has no power to take any action under the Gambling Act which can have any effect on this concern, but this could be included in a foreword to the policy.</p> <p>The Council’s responsibilities relate to premises licences, for instance betting premises. The Council can decide whether a licence can be granted or what conditions should be applied to a licence. Betting premises can have up to four FOBTs as a consequence of being granted a licence. The City Council has no power to impose a condition which could change this, nor could the City Council refuse to grant a betting premises licence because the premises would have FOBTs.</p> <p>The council’s concerns about FOBT’s could be included in a foreword to the policy</p> <p>Recommendations on protecting young people and vulnerable adults as suggested could be</p>

Consultation Responded Received - Appendix B

	<p>location of FOBTs (i.e. in direct line of sight of the shop counter) and in relation to the full and proper provision of awareness information for support organisations and helplines such as GamCare.</p> <p>Notes:</p> <p>The City Council's Licensing Committee considered the proliferation of FOBTs in November 2014 and endorsed the Council's support of the Newham SCA proposal: http://www.cabinet.leicester.gov.uk/(S(wq2dja45jzovfi55f3awf345))/documents/s66514/Licensing%20Committee%206%20Nov%2014%20-%20Fixed%20Odds%20Betting%20Terminals.pdf</p> <p>Research is available which calculates how much money is gambled on FOBTs in Leicester.</p>	<p>included in the licensing policy</p>
3	<p>More powers need to be available for the local council to block new applications and even revoke existing licence's. Bookmakers attract many forms of crime and anti-social behaviour. I worked in a bookmakers for 3 and a half years and live near several. Several people drink alcohol and deal drugs directly outside their doors and occasionally even on the premises. Begging is rife around their locations, as well as underage and vulnerable persons gambling.</p>	<p>Powers for local authorities are provided by acts of Parliament, not the Council's licensing policy.</p>
4	<p>See pdf letter submitted by email</p>	<p>See letter from Coral Racing below.</p> <p>They do not support the section in the policy relating to location. This is because of the measures that they already take to promote the licensing objectives in their stores. However, the section on location states that it indicates general suitability. Where measures were proposed to promote the licensing objectives, these would be taken into account in determining the application.</p>
5	<p>William Hill is one of the UK's largest betting operators with an estate of over 2300 shops. We have a number of shops in the Leicester City Council area.</p>	

Consultation Responesed Received - Appendix B

<p>We are a business which values being in the regulated sector and we devote significant resources to regulatory compliance. Equally regulation should follow both the letter and spirit of the Gambling Act 2005.</p> <p>We believe that both operators and licensing authorities should work collaboratively to promote the Licensing Objectives.</p> <p>We believe that any preamble in the licensing policy statement (statement of Principles) should stress the overriding obligation of local authorities to aim to permit regulated gambling provided it is consistent with the Licensing Objectives</p> <p>Whilst we accept that MPs and Councillors qualify as “interested parties” we do believe that these individuals should have to produce specific evidence of being asked to represent constituents or specific evidence of constituency complaints. Otherwise there is a danger of a legal process becoming over politicised.</p> <p>The Authority is respectfully reminded that it is not the role of an Authority to raise the licensing bar above that set by the framework of the Gambling Act 2005. Neither can the construction of the Statement of Principles seek to reverse the burden of proof set for the licensing process. There is a clear process for interested parties or responsible authorities making representations and mere statements of theoretical risk should, in our view, be given little weight. such statements, where they exist, should be removed from the Statement of Principles.</p> <p>Whilst we accept that bodies such as Children's Safeguarding Boards should be consulted on gambling licensing issues, it is unlikely that many organisations are experts in gambling related harm and caution should be exercised before treating them as experts in this area.</p> <p>It needs to be remembered that operators can only (in general) apply for a premises licence after they have been granted an Operating Licence. This process means that operators are already deemed "suitable" to run a gambling business. Therefore the Authority should concentrate on clearly evidenced factors which</p>	<p>Such a statement is included</p> <p>Members are elected to represent their constituents, they are entitled to make representations in their own right. If they claim to be representing a constituent at a hearing, then it would be up to the panel to decide whether to investigate this claim.</p> <p>It is not considered that the policy is inappropriate in any of these areas.</p> <p>Children’s safeguarding boards are responsible authorities under the act and considered by the local authority as experts on child protection.</p> <p>The Gambling Act does not limit a local authority to consideration of clearly evidenced factors</p>
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Consultation Responed Received - Appendix B

<p>shops is much greater than average densities (see below). This makes designation of residential areas as “unsuitable” as completely illogical and disproportionate. Reliance on such a policy will only subject the policy itself and any decisions founded upon it subject to a sustainable legal challenge.</p> <p>We do not believe that "deprivation" in a ward area is a prima facie reason for restricting gambling supply in that area. For example an operator may wish to relocate an existing premises or cater for a rising population. It is important, particularly in densely populated area for there to be sufficient regulated gambling supply. Operators do not target deprived communities, but they do base their business models inter alia on dense populations and high footfall.</p> <p>In addition only a small percentage of the population use licensed gambling premises. Therefore the presence of such premises is unlikely to affect whole communities. In most locations betting premises constitute less than 2% of total retail frontage.</p> <p>Whilst the National Lottery tickets and scratch cards can be accessed by 16 year olds through a wide network of retail outlets, the majority of licensed gambling premises do not allow access by children or young persons.</p> <p>Therefore properly managed and controlled premises do not present a risk to those children and young people. Matters should only be considered relating to children and young persons in relation to their protection from the potential harmful effects of gambling (not wider social issues). The fact that a business only admits adults should carry strong weight.</p> <p>In fact it is important in any area that gambling is catered for by regulated operators not illegal suppliers. Therefore if an operator considers there is demand in area then authorities should be wary not to undermine the fundamental principles of good gambling regulation regarding the preference for regulated gambling over illegal supply.</p> <p>We believe that as part of their Statement of Principles, the Authority should consider the prevalence of illegal gambling; particularly in densely populated areas.</p>	<p>harm.</p> <p>There is no proposal at present to restrict ‘gambling supply’ in deprived wards</p> <p>It is accepted that a well managed premises could be located in an area that a less well managed premises could not be.</p> <p>We do not have any evidence of the prevalence of illegal gambling</p>
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<p>It should also be noted that the Secretary of State already has the power under regulation to issue and does issue mandatory and default premise licensing conditions. Operating licence conditions made by the Gambling Commission also dictate that operators are already obliged to uphold social responsibility.</p> <p>Therefore the Authority should not seek to usurp the functions of the Secretary of State by seeking to impose a standard list of additional conditions on licences.</p> <p>The Authority should start from the position that the Gambling regulatory regime is fit for purpose and it should not engage in artificial constructs to prevent or limit gambling.</p> <p>The Authority has recognised itself that it cannot consider demand for gambling (in terms of imposing its own views of the desirability of premises numbers or concentrations of premises). The Gambling Act imposed additional social regulation as a quid pro quo for market liberalisation.</p> <p>Finally it is not the responsibly of an applicant or existing licence holder to have to actively engage in a search for unique localised risk factors. Neither should the Authority just articulate a non exhaustive list of potential theoretical risks on a "just in case" basis. The applicant or licensee can only carry out risk assessment where there is apparent or crystallised risk which has been identified in local profiles or publicly available statistics.</p> <p>For example statements like "the possible impact of a gambling premises may have on residential areas where there are concentrations of families with young children" is meaningless in the context of gambling related harm. In fact this is on the cusp of suggesting that the Authority is making moral or social judgments about what is accepted as a bona fide leisure activity.</p>	<p>in any parts of Leicester</p> <p>The gambling policy does not give a list of standard conditions, it does give examples of measures that could be used to promote the licensing objectives</p> <p>It is not considered that the Gambling Policy contains any such constructs</p> <p>Gambling Commission advice on local profiles is awaited</p> <p>The policy does not contain any such statement</p>
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Licensing Section
Leicester City Council
91 Granby Street
Leicester
LE1 6FE

Sent by e-mail

14th August 2015

Dear Sir

Consultation on Leicester City Council's Statement of Principles – Gambling Act 2005

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

We have detailed below our response:-

Coral Racing Limited are supportive of the document; it again notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives'. We kindly suggest that it is worth noting that the Local Authority should not take into account any moral objections to gambling either when judging applications.

Whilst it is not detailed within the consultation document, Coral Racing Limited recognise the requirement to supply risk assessments with future applications following the consultation completion and seek to clarify an area which the Council will take into account when considering applications for Premises Licences. Specifically and in relation to the note that the Licensing Authority will take into account the proximity of the application in relation to schools, places of worship & residential areas and presumably areas which have a similar characteristic:

- Coral knows of no evidence that the location of a licensed betting office within the proximity of the aforementioned causes harm to the licensing objectives. It involves a four-fold suggestion that a) those using such facilities are inherently problem gamblers, b) that having visited such facilities, users are more likely to visit a betting office than if they had not used such facilities, c) that if they do, that they are more likely to engage in problem gambling, and d) that the protective mechanisms arising from the Licence Conditions and Codes of Practice are insufficient to mitigate the risk. There is no evidence for any of these propositions.
- Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral's general experience, in common with every bookmaker, is that children are not interested in




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a  company

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betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems.

The reason for Coral's caution against making such perceptions, which we anticipate is similar to that of the other main bookmakers, is that it already operates systems which ensure that the licensing objectives are strongly promoted across its estate.


For example:

- Coral benefits from an operating licence granted by the national regulator, the Gambling Commission. Therefore, its corporate systems for the promotion of the licensing objectives have been approved by the Commission, which continues to exercise vigilance in this regard through inspections and examination of regulatory returns.
- Coral is subject to the Licence Conditions and Codes of Practice, which are effectively the national code of operation to ensure that the licensing objectives are promoted.
- It carries out health and safety risk assessments pursuant to its legal obligations. These assessments are shortly to be extended so that formal compliance assessments are conducted.
- It conducts risk assessments in relation to Exposure to Violence, Aggression and Conflict (EVAC assessments).
- It operates the assessment principles of the Safe Bet Alliance, the national code for safe premises. It was one of the architects of the code.
- It operates the ABB's Code for Responsible Gambling, and again was one of the architects of that code.
- It operates an extensive compliance manual, upon which all staff members are trained. Copies are available for your inspection if required.
- It contributes to the Responsible Gambling Trust, which seems to promote responsible gambling who in-turn contribute to GamCare, the national problem gambling charity.

Coral's experience is that, through all it does, it achieves an exemplary degree of compliance, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced with future premises licence applications from April 2016, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. In other words, there should be no requirement to list the locations that are currently stated (as there is no evidence that there is a link between such venues and a betting office), however notwithstanding this, such locations would automatically be included with the operators risk assessment submitted when the application is considered.

If we can provide any further information, we would be pleased to do so.

Yours faithfully,



John Liddle
Director of Development – Coral Retail

