
Gambling policy 2022-2025

Decision to be taken by: Council

Date of meeting: 25 November 2021

Lead director/officer: John Leach, Director of
Neighbourhood & Environmental Services

Useful information

- Ward(s) affected: All
- Report author: Rachel Hall, Chief Licensing Officer
- Author contact details: rachel.hall@leicester.gov.uk
- Report version number: 1

1. Summary

- 1.1 The Council is required to publish its statement of gambling policy at least four weeks before it takes effect.
- 1.2 The current statement of gambling policy expires on 31 January 2022.
- 1.3 Consultation has taken place with relevant stakeholders and approval for the new policy will be sought at full Council on 25 November 2021

2. Recommended actions/decision

- 2.1 Council is asked to approve the statement of gambling policy for 2022-2025.

3. Scrutiny / stakeholder engagement

- 3.1 In accordance with the Gambling Act, consultation has taken place with:
 - The Chief Officer of Police
 - Representatives of the gambling trade
 - Representatives of people who may be affected by the Gambling Policy
- 3.2 Holders of existing gambling permissions have also been contacted directly. The consultation has been available on the Council's website between 11 October and 7 November 2021.

4. Background and options with supporting evidence

- 4.1 The Gambling Act 2005 came into effect in 2007. As Licensing Authority, Leicester City Council is required to publish its Gambling Policy for 2022-25 no later than 3 January 2022 (4 weeks before the new policy takes effect).
- 4.2 In exercising its functions under the 2005 Act, section 153 states that the licensing authority shall aim to permit the use of premises for gambling insofar as the authority thinks it:
 - a) in accordance with any relevant code of practice under s.24
 - b) in accordance with any relevant guidance issued by the Commission under s.2
 - c) reasonably consistent with the licensing objectives (subject to a and b above)
 - d) in accordance with the licensing authority's statement of licensing policy (policy statement) (subject to a to c above).

4.3 No key issues of significance requiring a change in the policy have been raised since it came into effect in February 2019. This policy was not significantly different to the original policy introduced in February 2007.

5. Detailed report

5.1 The current statement of gambling policy expires on 31 January 2022. The Council is required to publish its new statement of gambling policy at least four weeks before it takes effect.

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

5.3 Section 166 of the Gambling Act 2005 provides that a licensing authority may resolve not to issue casino premises licences and that in passing a resolution a licensing authority may have regard to any principle or matter. Officers are not aware of concerns in relation to the existing casinos in Leicester to indicate that this sector is particularly problematic. There are currently three licensed casinos in the city, two of which are operational.

5.4 A local area profile has been produced for Leicester and is available on the Council’s website at [Gambling licensing \(leicester.gov.uk\)](https://www.leicester.gov.uk/gambling-licensing). It was first produced in April 2019 and is updated regularly. Existing and new operators are expected to take into account the profile when determining what steps they need to take to mitigate risk and to promote the licensing objectives.

5.5 The existing policy has been updated, with the changes being those required to bring the policy up to date and align it with revised guidance from the Gambling Commission.

5.6 In view of the minimal changes it was appropriate to carry out a light touch consultation, referencing the amendments and asking for comments on the proposed policy.

5.7 The Gambling Act 2005 states that the licensing authority must consult the following before determining its statement of gambling policy:

- The Chief Officer of Police
- Representatives of the gambling trade
- Representatives of people who may be affected by the Gambling Policy

5.8 Consultation has taken place with the above parties and also with other relevant stakeholders such as councillors and charities/services for people adversely

affected by gambling. The consultation was available on the Council's website between 11 October and 7 November 2021.

- 5.9 The draft policy was considered by the Neighbourhoods Scrutiny Commission on 21 October 2021. Neighbourhoods Scrutiny recommended that Council consider whether to make a "No casinos" resolution and to raise awareness of online gambling.
- 5.10 The consultation responses are attached at Appendix A, together with officer comments.
- 5.11 The draft policy and consultation responses were considered by the Licensing & Public Safety Committee on 15 November 2021. The Committee did not support a "no casino" policy and did not feel it necessary to amend the suitability or unsuitability of locations for gambling premises. The Committee proposed no other changes to the draft policy.
- 5.12 Notwithstanding the above, further discussions have taken place with colleagues in the Legal department about the inclusion in the policy of a table setting out the suitability or unsuitability of locations for gambling premises. Section 5.34 of the Gambling Commission guidance says "*An authority's decision cannot be based on ... a general notion that it is undesirable to allow gambling premises in an area ...*". For this reason officers are now of the view that the table should be removed. However, noting Members' concerns about potential locations, additional information has been added in relation to local risk assessments. This highlights the importance of taking account of local risks, which can be identified using the online Local Area Profile.
- 5.13 The updated policy is attached at Appendix B and a summary of the changes is attached at Appendix C.
- 5.14 Licensing authorities have a duty to aim to permit gambling as set out in paragraph 4.2 above. In determining an application for a gambling licence it is not for a licensing authority to have a view on any impact gambling may have on individuals or communities. However, as a local authority Members may wish to note the observations of colleagues in Public Health, who say that problem gambling is considered a public health issue for the following reasons;
- a) The impact of problematic gambling is not just on the gambler but on their family friends and wider society (i.e it affects a lot of people)
 - b) There is an inequality in terms of the detrimental effects of problem gambling. E.g. people from a BAME background are less likely to gamble overall but are more likely to classify as a problematic gambling. Similarly people classified as unskilled/manual workers gamble less but experience more harmful effects. (i.e it exacerbates health inequalities)
 - c) There is a strong link between problematic gambling and other harmful behaviours such as excess alcohol consumption and other health conditions such as mental health issues.
 - d) There is also a difference in terms of take up of treatment and support services with people from a BAME background and lower Socioeconomic status less likely to access services

5.15 Licensed gambling establishments must comply with the law and with relevant codes of practice issued by the Gambling Commission, including age restrictions and the provision of signposting to organisations offering support

5.16 Once approved by full Council the policy must be published at least 4 weeks before it takes effect on 1 February 2022.

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

6.1 Financial implications

Premises licence fees are set based on the type of premises, with a prescribed maximum fee for each type. Licensing authorities are able to set licence fees so as to ensure full cost recovery, subject to these caps. Over the life of the policy being proposed in this report, fees will be subject to periodic review to ensure that all costs are being recovered.

Stuart McAvoy, Principal Accountant, Ext 37 4004

6.2 Legal implications

Section 349 of the Gambling Act 2005 requires Licensing Authorities to prepare and publish a Licensing Policy Statement. The Licensing Policy Statement will last for a maximum of 3 years, but can be reviewed and revised by the authority at any time. It must set out the principles the Authority proposes to apply in exercising its functions under the Act during the 3 year period to which the Policy applies. Any revision must be published before it is given effect.

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 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 affected by the exercise of the authority's functions under the Act.

The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 set out the form of Licensing Policy Statements and the procedures to be followed in relation to preparing, revision and publication of the Statements.

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 states that determining the Licensing Authority Policy Statement is not a function within the sole responsibility of the executive. Therefore it has to be considered by the Cabinet and approved by full Council before it is published.

Under S.166 (1) of the Gambling Act 2005, a Licensing Authority may resolve not to issue casino premises licences and adopt a 'no casino policy'. In passing such a resolution, a Licensing Authority may have regard to any principle or matter.

A resolution under Subsection (1) –

- (a) must apply to the issue of casino premises licences generally,
- (b) must specify the date on which it takes effect,
- (c) may be revoked by a further resolution, and
- (d) shall lapse at the end of the period of three years beginning with the date on which it takes effect (without prejudice to the ability to pass a new resolution).

Katherine Jamieson, Legal Services, Ext 37 1452

6.3 Equalities implications

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

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

If the proposed policy is agreed this could have an impact on people from across a range of protected characteristics, with one of the objectives of the policy being to protect vulnerable persons from being harmed or exploited by gambling. Equality considerations need to be embedded throughout the policy and an Equality Impact Assessment is currently underway. The EIA should inform the process going forward, taking into account any consultation feedback.

Sukhi Biring, Equalities Officer, 454 4175

6.4 Climate Emergency implications

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

Aidan Davis, Sustainability Officer, Ext 37 2284

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

7. Background information and other papers:

None

8. Summary of appendices:

Appendix A – consultation responses and officer comments

Appendix B – revised draft statement of gambling policy following consultation

Appendix C – summary of proposed changes to gambling policy

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

No

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

No

APPENDIX A – Consultation responses and officer comments

Comments received in response to consultation on Gambling Policy for 2022-25

Respondent type	Comments	Officer response
Existing licence holder	We are happy with it.	Noted
Existing licence holder	All amendments appear to be relevant	Noted
Business operating in Leicester	I think it's possible to protect to children with this act.	Noted
Organisation	<p>Your table on page has the following :- CATEGORY - Pubs with Gaming Machines SUITABLE - • City Centre • Local Shopping Centres UNSUITABLE - • Residential Areas • Near sensitive locations eg schools and places of worship</p> <p>The 'unsuitability' makes no sense at all. They are licensed premises therefore children aren't allowed in any way, without an adult, and with the vast majority of pubs nowadays, the reason children are there is because they are dining with their parents. Places of worship are irrelevant.</p> <p>This is an antiquated assessment of what's suitable and what isn't which doesn't take into account the way the trade has changed in recent years. All machines in our pub chain) are sited within sight of the bar therefore a manager always has a view of who is in the area of the machine.</p>	<p>Section 145 of the Licensing Act 2003 refers to unaccompanied children being prohibited from certain premises. The effect of this section is that children under the age of 16 are not permitted on premises that are <u>exclusively or primarily</u> used for the supply of alcohol for consumption on the premises at any time when they are open for that purpose, or on any premises open for the purposes of being used for the supply of alcohol for consumption there between midnight and 5am. This means that unaccompanied children are allowed on licensed premises outside the above restrictions.</p> <p>The respondent is not necessarily representative of all operators with respect to oversight of gaming machines.</p> <p>The Gambling Act 2005 gives an automatic entitlement of up to two gaming machines to</p>

		premises licensed for the sale of alcohol for consumption on the premises. The Council's licensing policy refers to applications for additional machines, as this is where the Council has discretion. Members may wish to consider whether the suitability / unsuitability of residential areas and sensitive locations should be updated.
Business operating in Leicester	Seems ok	Noted
Resident of Leicester	I agree with your proposed changes	Noted
Existing licence holder	None	Noted
Responsible authority (Fire Service)	Noted and in agreement with amendments including those regarding Section 8 Other Regulatory Regimes.	Noted
Resident of Leicester	I don't care	Noted
Additional written responses		
Three formal written responses were received. These have been considered in full by the Licensing & Public Safety Committee, but pertinent comments are as below:		
GambleAware (Appendix 1)	Due to resource constraints on a small charity, we are not able to offer specific feedback on your policy. However, you may find GambleAware's recently published interactive maps useful, which have been designed for use by local authorities. The maps show the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and	Officers have reviewed the interactive maps and supporting data. Whilst interesting, there is concern about the accuracy of the maps, particularly at Ward level, due to the demographic of the survey participants (ie, around 90% white) compared to that of the city of Leicester.

	<p>reported demand for, treatment and support for gambling harms.</p> <p>Finally, GambleAware is a leading commissioner of prevention and treatment services for gambling harms. It provides these functions across England, Scotland and Wales and its work is underpinned by high quality research, data and evaluation. We encourage all local authorities to signpost people to the National Gambling Helpline on 0808 8020 133 and also www.begambleaware.org. Both are part of the National Gambling Treatment Service and offer free, confidential advice and support for those who may need it.</p>	<p>Noted. These services are included in the document to accompany the gambling policy.</p>
<p>Gosschalks on behalf of Betting & Gaming Council (Appendix 2)</p>	<p>Within paragraph 2 of Part B, there is a table that suggests suitable and unsuitable locations for gambling premises. This table suggests that unsuitable locations for gambling premises include residential areas and <i>“near sensitive locations eg schools and places or worship.”</i> This table should be removed. There is no evidence to support the Licensing Authority’s assertion that the operation of gambling premises in these locations would pose any risk to the licensing objectives. Indeed, gambling premises such as betting offices have been part of the urban landscape for almost 60 years. These have always been situated in areas of high population or footfall without causing any difficulties to the surrounding population.</p>	<p>This is a similar comment to the one raised above in relation to gaming machines in alcohol licensed premises. Members may wish to consider whether the suitability / unsuitability of residential areas and sensitive locations should be updated.</p>

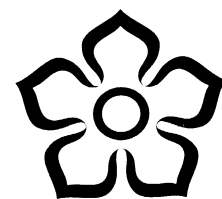
	<p>This table should be removed with matters left simply on the basis that each case should be determined on its own merits.</p> <p>The suggestion that a “sensitive location” may include a place of worship is directly contrary to the Gambling Commission Guidance that is clear that moral or ethical objections to gambling are irrelevant considerations.</p> <p>Paragraph 5 explains the Licensing Authority’s approach to the imposition of conditions on premises licences. This section would be assisted by a clear explanation that the mandatory and default conditions that attach to all premises licences are intended to be, and usually are, sufficient to ensure operation that is reasonably consistent with the licensing objectives. This section should also state that additional conditions will only be considered where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that is not adequately addressed by the applicant’s local area risk assessment.</p> <p>It is important that the policies and procedures to mitigate risks are dealt with in the risk assessment rather than by way of licensed conditions as the risk assessment is a dynamic document and (in accordance with SR Code Provision 10.1.2) must be reviewed if there is a significant change in local circumstances. As risks change or new risks are identified, the policies, procedures, and mitigation measures to address those identified risks may be changed very quickly. However, if the mitigation measures are the subject of premises</p>	<p>Agreed and the draft policy has been amended accordingly.</p> <p>Agreed and the draft policy has been amended accordingly.</p>
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	<p>licence conditions, then an application for variation of the premises licence will be required to change these conditions. This could delay any change and would cause unnecessary expense and administration for both operators and the Licensing Authority.</p>	
<p>Friends of Clarendon Park (Appendix 3)</p>	<p>We do not have any comments on the proposed amendments to the statement of gambling.</p> <p>Although a link to the draft policy for 2022 to 2025 is provided on page 2 of 5 of the online consultation, it would have made the consultation easier to respond to if a link to both the draft version (2022 to 2025) and the current version (2019 to 2021) were provided on the consultation's home page.</p> <p><i>Gambling Local Area Profile</i></p> <p>There are a few corrections that should be made to the web mapping system:</p> <ol style="list-style-type: none"> 1. 16 Queens Road is labelled as Friends Meeting House, but refers to itself as Leicester Quaker Meeting House 2. 24 Avenue Road is labelled as The Synagogue but refers to itself as Leicester Progressive Jewish Community 3. 5 Granville Road is not labelled but refers to itself as True Jesus Church 	<p>Noted</p> <p>Noted</p> <p>These premises are shown as places of worship on the local area profile, with the information provided from outside the Licensing team. These comments have been forwarded to the appropriate team for information.</p>

**APPENDIX B – revised draft statement of gambling policy
following consultation**

LEICESTER CITY COUNCIL

STATEMENT OF GAMBLING POLICY



Leicester
City Council

Leicester City Council

Statement of Gambling Policy

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PART A

1. The Licensing Objectives

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

The licensing objectives are:

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

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

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

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

2. Introduction

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

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

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



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

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

The Gambling Act requires that licensing authorities consult:

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

The City Council consulted the following:

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

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

Our consultation took place between 11 October and 7 November 2021. The policy was approved at a meeting of the Full Council on xxxx.

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

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

The Responsible Bodies under the Gambling Act 2005 are:

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

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

5. Interested parties

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

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

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

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

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

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

- by telephone - (0116) 454 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 General Data Protection Regulation will not be contravened. The City Council will also have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter when it is published, as well as any

relevant regulations issued by the Secretary of State under the powers provided in the Act 2005.

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

Please contact the Licensing section for further information:

- by telephone - (0116) 454 3040
 - by email - licensing@leicester.gov.uk
- 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 Office for Product Safety and Standards in its consideration of the regulatory functions of local authorities.

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

- by telephone - (0116) 454 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. Other regulatory regimes

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

9. Licensing Authority functions

Licensing Authorities are required to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* which wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits to Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol on-licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for alcohol on-licensed premises (under the Licensing Act 2003), where more than two machines are required
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions
- Set and collect fees

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

PART B PREMISES LICENCES

1. General principles

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

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

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

2. Location

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

3. Local Area Profiles

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

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

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

4. Local risk assessments

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

³ [LCCP Condition - Gambling Commission](#)

⁴ [LCCP Condition - Gambling Commission](#)

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

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

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

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

5. Conditions

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

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

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

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

- reasonable in all other respects.

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

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

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

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

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

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

6. Door Supervisors

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

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

7. Casinos

No Casinos resolution

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

Responsibility in Gambling

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

PART C Permits

1. Unlicensed Family Entertainment Centres

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

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

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

Statement of Principles

The principles that Leicester City Council has adopted requires the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include

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

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

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

2. Alcohol Licensed premises gaming machine permits

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

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

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

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

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

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

3. Prize Gaming Permits

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

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

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

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

4. Club Gaming and Club Machines Permits

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

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

5. Temporary Use Notices

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

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

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

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

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

6. Occasional Use Notices

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

7. Small Society Lotteries

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

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

- breaches of the limits for small society lotteries

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

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

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

- by telephone - (0116) 454 3040
- by email - licensing@leicester.gov.uk
- by post - Licensing Section, Leicester City Council, York House, 91 Granby Street, Leicester, LE1 6FB

Appendix C – summary of proposed changes to gambling policy

Note: Items shown in **bold** have been added following public consultation.

PART A

Section 1 – The Licensing Objectives

- Added sentence “Guidance issued to licensing authorities by the Gambling Commission refers to the National Strategy to Reduce Gambling Harms, and notes that experience suggests that close working between licensing authorities and public health colleagues can deliver important results in relation to the third objective of “protecting children and other vulnerable persons from being harmed or exploited by gambling”.”
- Added two footnotes.

Section 2 – Introduction

- Added Public Health department as a consultee.
- **Deleted Association of British Bookmakers and replaced with Betting and Gaming Council**
- Deleted consultation dates pending update for final version.

Section 4 – Responsible authorities

- Updated title of Local Safeguarding Children Partnership Board.

Section 7 – Enforcement

- Updated title of Office for Product Safety and Standards.

Section 8 – Other regulatory regimes

- New section referring to not duplicating other regulatory regimes.

Section 9 – Licensing Authority functions

- Added function “Set and collect fees”
- **Updated to clarify that remote gambling includes online gambling and the National Lottery**

Part B

Section 1 – General principles

- Added extract from Gambling Act 2005 to clarify the authority’s duty to aim to permit the use of premises for gambling.

Section 2 – Location

- **Removed table setting out locations that are considered suitable or unsuitable for gambling premises (see additional of new paragraphs to Section 4 regarding local risks)**

Section 3 – Local Area Profiles

- Updated to show the Local Area Profile has been produced.

Section 4 – Local Risk Assessments

- New section to reflect Gambling Commission guidance, plus two footnotes.
- **Added additional paragraphs to highlight the importance of operators referring to the local area profile to take account of local risks when producing their risk assessments**
- **Added additional paragraph to say that the mitigation of risk should be dealt with in the risk assessment rather than by licence conditions.**

Section 5 – Conditions

- New sentence added “The ‘aim to permit’ framework provides wide scope for licensing authorities to impose conditions on a premises licence, reject, review or revoke premises licences where there is an inherent conflict with the relevant codes of practice, relevant guidance issued by the Commission, the licensing objectives or the licensing authorities own policy statement.”
- **Added new paragraph referring to mandatory and default conditions.**