



Leicester  
City Council

**WARDS AFFECTED: ALL**

**LICENSING & PUBLIC SAFETY COMMITTEE**

**25 August 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.

#### **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.

- 3.2 The responses are being analysed and will be report to Full Council in November 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](http://www.leicester.gov.uk/licensing) and be updated from time to time. Existing and new operators would be expected to take into account the profile when determining what steps they need to take to mitigate risk and to promote the licensing objectives.

- 5.4 The proposed new policy is attached at Appendix A.

**6. Recommendations**

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

**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**

Rachel Hall – Licensing Team Manager

454 3047

Rachel.hall@leicester.gov.uk

# **APPENDIX A**

## **LEICESTER CITY COUNCIL**

### **DRAFT STATEMENT OF GAMBLING POLICY**



**TO BE APPROVED BY FULL COUNCIL**

# Leicester City Council

## Statement of Gambling Policy

Item	Page
<b>Part A</b>	
1. The licensing objectives	2
2. Introduction	2
3. Declaration	4
4. Responsible Authorities	4
5. Interested parties	4
6. Exchange of information	5
7. Enforcement	5
8. Licensing authority functions	6
<b>Part B - Premises licences</b>	
1. General Principles	7
2. Location	7
3. Duplication with other regulatory regimes	7
4. Conditions	7
5. Door Supervision	8
6. Casinos	9
<b>Part C – Permits</b>	
1. Unlicensed Family Entertainment Centres	10
2. Alcohol Licensed premises gaming machine permits	10
3. Prize Gaming Permits	11

## **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).



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](mailto:licensing@leicester.gov.uk)

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

### **3. Declaration**

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

### **4. Responsible Authorities**

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

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

The contact details of all 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](http://www.leicester.gov.uk/licensing).

### **5. Interested parties**



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

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

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

- Each case will be decided upon its merits.
- The City Council will not apply a rigid rule to its decision making, and will consider the examples of considerations provided in the Gambling Commission's Guidance to local authorities (8.10-8.18)
- 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](mailto:licensing@leicester.gov.uk)
- by post - Licensing Section, Leicester City Council, York House, 91 Granby Street, Leicester, LE1 6FB

## **6. Exchange of Information**

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

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

The principle that the City Council applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information. This includes the provision that the 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](mailto:licensing@leicester.gov.uk)
- by post - Licensing Section, Licensing Section, Leicester City Council, York House, 91 Granby Street, Leicester, LE1 6FB

## **7. Enforcement**

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

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

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

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

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing policy

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

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and

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

This licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

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

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

Our risk methodology is also available upon request.

## **8. Licensing Authority functions**

Licensing Authorities are required to:

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

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

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

### 3. Local Area Profiles

The City Council 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](http://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.

### **3. Conditions**

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

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

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

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises.

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

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

#### **4. 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.**

#### **5. 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.

#### **7. Responsibility in Gambling**

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

## **PART C**

### **Permits**

#### **1. Unlicensed Family Entertainment Centres**

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

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

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

#### *Statement of Principles*

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