



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

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Report Author

Rachel Hall – Licensing Team Manager

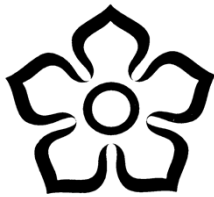
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LEICESTER CITY COUNCIL

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

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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;

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- 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

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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;

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- 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;

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- 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

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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 Responses 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>

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	<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>	

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<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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<p>demonstrate association with gambling related harm.</p> <p>As indicated, any exposition of risk in a Statement of Principles (or local area profile) should not be based on anything less than empirical evidence and proportionality needs to be applied to all licensing decisions. For example successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.</p> <p>Although we will be implementing risk assessment at a local premises level, we do not believe that it is for the Authority to prescribe the form of that risk assessment. We believe that would be against better regulation principles with operators being allowed to gear risk assessment to their own operational processes; informed by Statements of Principle and the local area profile.</p> <p>Therefore we do not believe that the co-location of educational establishments, children's play areas or locations in which there may be other potential vulnerabilities are necessarily matters for heightened risk; unless it can be demonstrated (on the basis of clear evidence by someone making representations that additional controls needs to be imposed in relation to clearly identified gambling related harm. Each case needs to be considered on its merits and there should not be general statements made that gambling premises are automatically faced with a higher burden of proof in these areas.</p> <p>We note that it is proposed to denote “residential areas” and locations near schools or places of religion as “unsuitable” locations for betting shops. We do not believe this classification is lawful. The council are not allowed to refuse or limit licences on the basis of moral objection and simply because a particular faith group may object to the location of a betting shop does not mean it is a valid ground for restriction.</p> <p>Also to designate residential areas as unsuitable for the location of betting shops serves to defeat the fundamental principles of good gambling regulation. One of the key regulatory drivers for betting shop location is a dense population where otherwise demand would be met by the illegal market. Recent Responsible Gambling Trust research has shown that population density near betting</p>	<p>Gambling commission advice on local area profiles is awaited.</p> <p>Noted</p> <p>See comments above in relation to location section</p> <p>See comments above in relation to location section</p> <p>It is arguable that siting a gambling premises in a residential area is more likely to expose children, who may be unsupervised in a residential area to more risk of</p>
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<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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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