

# Statement of Licensing Policy

2025-2027

Gambling Act 2005



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## Executive Summary

The Gambling Act 2005 obtained Royal Assent in 2005 and came into effect in 2007.

Under Section 349 of the Gambling Act 2005 the Licensing Authority is required to prepare a statement of principles that they propose to apply in exercising their functions under this Act. This process is to be repeated every three years from 31<sup>st</sup> January 2007.

The consultation process is laid out clearly in the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 and the Guidance to Licensing Authorities issued by the Gambling Commission ([www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)).

The purpose of the Statement of Licensing Policy is to set out the principles that the Council propose to apply when determining licences, permits and registrations under the Gambling Act 2005.

Any decision taken by the Council regarding determination of licences, permits and registrations should aim to permit the use of premises for gambling in so far as it is reasonably consistent with the licensing objectives.

The principles to be applied specifically to the determination of premises licence applications include definition of premises, location, duplication with other regulatory regimes, conditions, door supervision, layout of the premises and supervision of gaming facilities. The policy also specifically mentions adult gaming centres, family entertainment centres, casinos, bingo premises, betting premises, tracks and travelling fairs.

The council can issue permits for prize gaming and unlicensed family entertainment centres. The council can specify the information it requires as part of the application process which will aid determination and this information is described in this Policy.

Club gaming and club machine permits are also issued by the council. The process for this is described, along with other processes specified in the legislation for example temporary use notices, occasional use notices and small society lotteries.

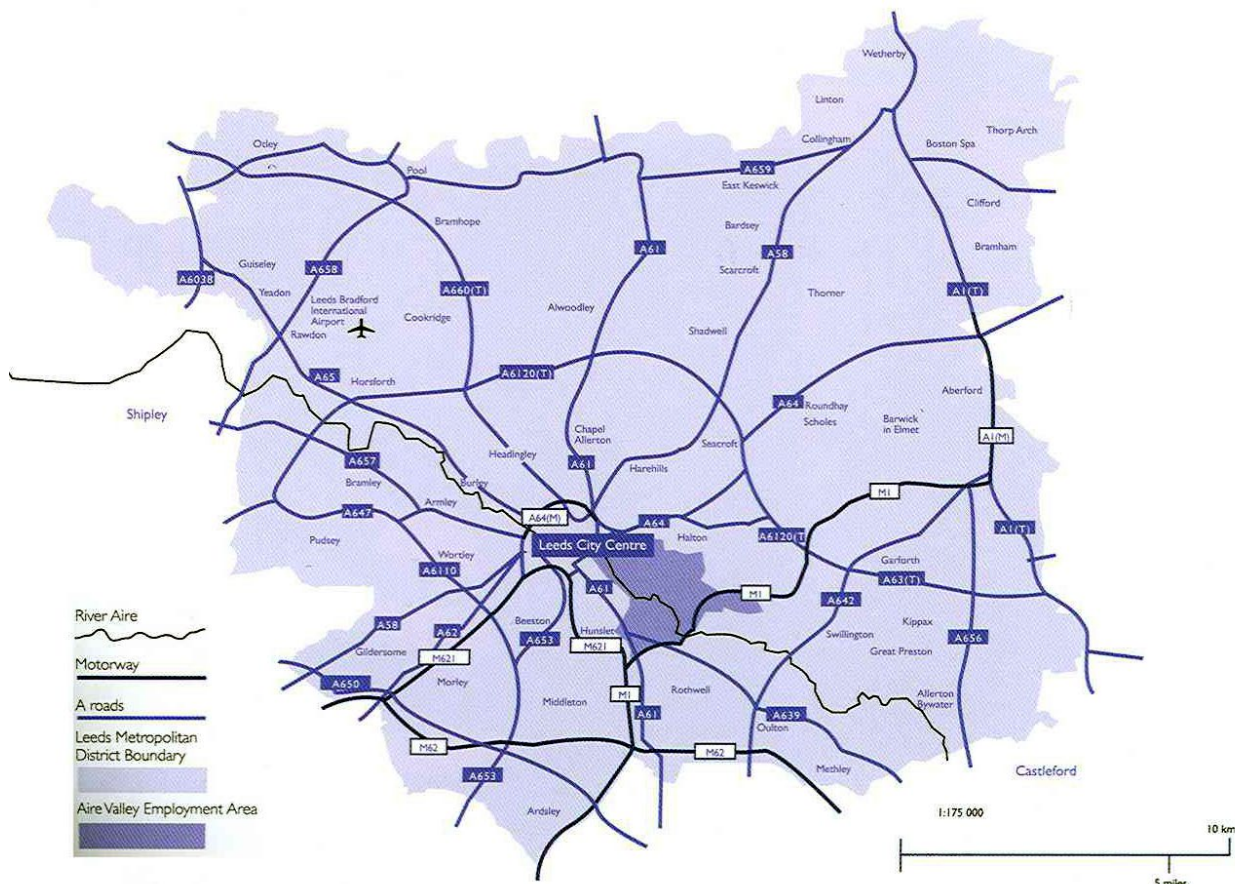
Enforcement of the legislation is a requirement of the Act that is undertaken by the council in conjunction with the Gambling Commission. The policy describes the council's enforcement principles and the principles underpinning the right of review.

# Part A    The Gambling Act 2005

## 1.    The licensing objectives

- 1.1    Under the Gambling Act 2005 (the Act) Leeds City Council is the licensing authority for the Leeds district and licences premises for gambling activities as well as granting various other gambling permits. In this document, unless otherwise stated, any references to the council are to the Leeds Licensing Authority.
- 1.2    The council will carry out its functions under the Act with a view to aiming to permit the use of premises for gambling in so far as it is reasonably consistent with the three licensing objectives set out at 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.
- 1.3    More information can be found about how the council will achieve this in Part B and C of this document.
- 1.4    The council will follow any regulations and statutory guidance issued in accordance with the Act and will have regard to any codes of practice issued by the national gambling regulator, the Gambling Commission.
- 1.5    The council is aware that in making decisions about premises licences it 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 this document.
- 1.6    The Gambling Commission's Licence Conditions and Code of Practice (LCCP) require gambling premises to undertake a risk assessment taking into consideration their local information. Specific information about localities is provided in this policy at Section 14.

## 2. The Leeds district



- 2.1 Leeds City Council has sought to establish Leeds as a major European city and cultural and social centre. It is the second largest metropolitan district in England and has a population of 2.2 million people living within a 30 minute drive of the city centre.
- 2.2 The Leeds metropolitan district extends over 562 square kilometres (217 square miles) and has a population of 811,953 (ONS, 2021). It includes the city centre and the urban areas that surround it, the more rural outer suburbs, and several towns, all with their very different identities. Two-thirds of the district is greenbelt (open land with restrictive building), and there is beautiful countryside within easy reach of the city.
- 2.3 Over recent years Leeds has experienced significant levels of growth in entertainment use within the city coupled with a significant increase in residential development. The proximity of a range of land uses and the creation of mixed-use schemes has many benefits including the creation of a vibrant 24-hour city.
- 2.4 Leeds has strong artistic traditions and top performing artistes can be seen at the Leeds first direct Arena, Leeds Town Hall and at other indoor and outdoor venues across the city. The success of arts and heritage organisations including

the Grand Theatre, West Yorkshire Playhouse, Opera North, Northern Ballet Theatre, Phoenix Dance Theatre, Harewood House and the Henry Moore Institute, has helped to attract other major arts and heritage investments such as the award winning Royal Armouries and the Thackray Medical Museum. The city also boasts a wealth of community based sports, entertainment, heritage, and recreational facilities. There is a vibrant voluntary sector including thousands of groups and societies.

- 2.5 Sport is a passion for people in Leeds and Yorkshire. Leeds United Football Club has a loyal and passionate following and Elland Road is one of England's great traditional grounds. Cricket is followed with enthusiasm with Yorkshire Cricket Club's home in Headingley. Leeds has a world's first dual code rugby partnership – Leeds Rhino Rugby League and Leeds Carnegie Rugby Union. The Leeds Rhinos have enjoyed great success in recent years. Wetherby racecourse was established in 1891 and is considered one of the best jump courses in the country.
- 2.6 Leeds is a city with many cultures, languages, races, and faiths. A wide range of minority groups including Indian, Pakistani and African being predominant, but with many other smaller communities which make up 21% of the city population (ONS, 2021).

## Deprivation

- 2.7 Leeds has a strong economy that has enabled the city to recover well from the recession. However, Leeds is also a city marked by health inequalities, indicating that not everyone has benefited from the economic growth equally. In 2015 the National Indices of Multiple Deprivation (IMD) data, a set of descriptive statistics that are published by the Office of National Statistics every 3-4 years, identified sixteen neighbourhoods in Leeds that were categorised as being in the most disadvantaged 1% of neighbourhoods nationally.
- 2.8 According to the 2019 Leeds Index of Multiple Deprivation (IMD), of the 482 Lower-layer Super Output Areas (LSOA) that make up the city, 114 of them (10%) are ranked amongst the most deprived 10% nationally, 9 higher than the figure from 2015's IMD. 12 of them have been ranked in the most deprived 1% nationally, though this a reduction from the 16 that were ranked in this group in 2015.<sup>1</sup>
- 2.9 In 2020 the Covid-19 pandemic emergency initiated a crisis that quickly brought to the fore a large number of needs across the communities in Leeds. The impact of Covid-19 has been greater in the poorer areas of the city where the ability to withstand shocks is restricted. Work continues to take place in Leeds to understand and get a picture of the disproportionate or differential impact on

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<sup>1</sup> [Current housing strategy \(leeds.gov.uk\)](https://leeds.gov.uk/current-housing-strategy)



inequality that is happening due to Covid-19. However, the emerging evidence highlights that the Covid-19 pandemic has further exacerbated social and economic inequalities. It mirrors national evidence and the local narrative that Covid-19 does have a disproportionate and differential impact based on where you live, your gender, your ethnicity, and your job.<sup>2</sup>

- 2.10 The council is committed to locality working and has identified the 12 priority neighbourhoods, located in six of the city's wards. These neighbourhoods have been identified for more intensive support:

Priority Wards	Priority Neighbourhoods (LSOA)
<b>Hunslet &amp; Riverside</b>	Stratford Street, Beverleys
	Wickham Street, Seftons, Harlechs
<b>Killingbeck &amp; Seacroft</b>	Foundry Mill Terr, Brooklands
	Boggart Hill
	Foundry Mill Drive, Hawkshead Cres, Alston Lane
<b>Beeston &amp; Holbeck</b>	Crosby St, Recreations, Bartons
<b>Armley</b>	Holdsforth, Clyde Approach
	Armley Grove Place, Hall Lane, Abbot View
<b>Burmantofts &amp; Richmond Hill</b>	St Hildas, Copperfields, Gartons
	Cliftons, Nowells
	East Park Drive, Glensdales, Raincliffes
<b>Gipton &amp; Harehills</b>	Easterly Grove, St Wilfreds

## Economy

- 2.11 Leeds is the UK's fastest growing city and is the main driver of a city region with the £64.6 billion economy, a combined population of 3 million and a workforce of 1.37 million. Over the next ten years, the economy is forecast to grow by 21% with financial and business services set to generate over half of GVA growth over that period.
- 2.12 Financial and business services account for 38% of total output. Other key sectors include retail, leisure and visitor economy, construction, manufacturing and the creative and digital industries.
- 2.13 Leeds has one of the most diverse economies of all the UK's main employment centres. In 2016, Leeds saw the fastest rate of private sector jobs growth of any UK city and has the highest ratio of public to private sector jobs of

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<sup>2</sup> [Locality Working and Priority Neighbourhoods.pdf \(leeds.gov.uk\)](#)

all the UK's Core Cities. The city has the third largest jobs total by local authority area with 392,000 people aged 16 and over work in Leeds (ONS, Dec 2023).<sup>3</sup>

- 2.14 For further health and deprivation information about the local area visit <http://observatory.leeds.gov.uk>.

### 3. Integration with other guidance, policies, objectives, and strategies

#### Best City Ambition

- 3.1 The [Best City Ambition](#) is our overall vision for the future of Leeds. At its heart is our mission to tackle poverty and inequality and improve quality of life for everyone who calls Leeds home.
- 3.2 The 3 pillars of the Best City Ambition bring together the key priorities set out in the main strategies we are working together towards. They provide a clear and coherent vision for the future of Leeds.
- **Health and wellbeing** – Leeds will be a healthy and caring city for everyone: where those who are most likely to experience poverty improve their mental and physical health the fastest, with health and care inequalities reducing, and people being supported to thrive from early years to later life.
  - **Inclusive Growth** – Leeds will be a place where we create growth in our economy that works for everyone, where people and businesses can thrive, and we work together to tackle poverty and inequality.
  - **Zero Carbon** – Leeds aims to become the first net zero city in the UK, rapidly reducing carbon emissions and reversing the decline in biodiversity, while supporting people to make more sustainable choices which can improve their standard of living.
- 3.3 Tackling poverty and inequality is at the heart of our Best city Ambition. We know that across Leeds, many issues disproportionately impact some groups of people and communities, and this can make stubborn long-term challenges even more difficult to overcome.

#### Better Lives Strategy 2022 to 2027

- 3.4 We believe that everyone has the right to a good and fulfilling life. In Leeds, we want every person with care and support needs to be able to live the life they want to live, doing what's important to them in good homes, and in caring communities. We know that to live a good life, people need more than adult social care. This Council wide strategy sets out how our services, from parks to libraries, housing to physical activity, will work together to achieve our vision.

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<sup>3</sup> [Leeds economy](#)

### 3.5 Our vision is:

We want every person in Leeds that needs care and support to live in the place they call home with the people and things they love, in communities that look out for one another, doing the things that matter most to them.

- 3.6 The [Better Lives Strategy](#) is a whole Council strategy. While this strategy does include our approach to services provided via Adult Social Care, we also want to consider the ways in which other parts of the Council and our community can support people drawing on care and support services to live a good life.

### Leeds Health and Wellbeing Strategy 2023-2030

- 3.7 [Leeds Health and Wellbeing Strategy](#) describes the council's vision for health and wellbeing as 'Leeds will be a health and caring city for all ages, where people who are the poorest improve their health the fastest'. This policy is particularly affected by the following health and wellbeing priorities:

- Strong, engaged, and well-connected communities
- Safe and sustainable places that protect and promote health and wellbeing
- Promoting prevention and improving health outcomes through an integrated health and care system

### Leeds Suicide Audit

- 3.8 The [Leeds Suicide Audit 2019-2021](#) shows an average rate of 9.6 deaths per 100,000 for all persons, with a female rate of 6.3 and a male rate of 12.9. The most recorded risk factor was having a history of a mental health problem. Other risk factors are:

- Partner relationship issues
- Divorce or separations
- Physical illness or disability
- Bereavement
- Adverse childhood experiences
- Previous suicide attempts
- History of drug and alcohol misuse
- Long term conditions
- Worklessness

- 3.9 Financial difficulties were recorded in 24% of the audit population which is lower than the previous audit. The most common age group where financial difficulties was recorded was the 40-49 age group. Men were more likely than women to have financial difficulties and those identified were evenly represented across the deprivation quantiles. There were frequent records of negative benefit decisions, debt, housing debt, repossession and drugs debt amongst other worries and concerns.

- 3.10 Gambling With Lives is a community of families bereaved by gambling-related suicide that provides support, raises awareness of the devastating effects of gambling disorder and campaigns for change. In their response to the National Suicide Prevention Strategy, Gambling With Lives provided a well referenced statement on how gambling harm is linked with a high suicide rate. In this paper it is explained that people suffering with gambling disorder are two to three times more likely to attempt to kill themselves or have major depressive episodes than other types of addicts, with 12-18% of those seeking treatment having already attempted suicide. One landmark study found that people suffering with gambling disorder are 15 times more likely to take their own lives than members of the general population.
- 3.11 Further to this, analysis on pupils asked about gambling in the latest My Health My School survey of school pupils in Leeds found that the gambling rate for young people who reported suicidal thoughts was higher than for those who did not (35.2% v 26.3%).

### **Children and Young People's Plan 2023-2028**

- 3.12 The UN convention on the rights of the child set out the basic rights for children worldwide. The UN developed the model for child friendly city model; a place where children's rights are known and understood by children and adults alike and where these rights are reflected in policies and budgets.
- 3.13 The council's [Children and Young People's Plan](#) describes 5 outcomes, 14 priorities and 3 obsessions. The most relevant priorities to this policy are:
- Help children and parents to live in safe, supportive, and loving families
  - Ensure that the most vulnerable children and young people are protected
  - Improve social, emotional, and mental health and wellbeing of children and young people
  - Support young people to make good choices and minimise risk taking behaviours
  - Help young people into adulthood, to develop life skills, and be ready for work

### **Other strategies and plans**

- 3.14 The council has developed [several strategies and plans](#) which support the ambition to be the Best City. These include:
- Housing Strategies
  - Leeds Food Strategy
  - Parks And Green Spaces Strategy
  - People Strategy 2020 – 2025
  - Financial Strategy 2020 – 2025
  - Estate Management Strategy
  - Digital Strategy 2022 – 2025
  - Equalities Improvement Priorities Strategy

#### **4. The purpose of the Gambling Act 2005 – Statement of Licensing Policy**

- 4.1 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions under the Act. This document fulfils this requirement. Such statement must be published at least every three years. The statement can also be reviewed from “time to time” and any amendments must be consulted upon. The statement must then be re-published.
- 4.2 Leeds City Council consulted widely upon this policy statement before finalising and publishing it. The policy was presented for public consultation on the website, and by email and post to solicitors, licensees, support organisations, responsible authorities, ward members, MPs, trade associations, and parish councils. In total xxx emails and xxx letters were sent advising interested parties of the consultation. The consultation was also advertised via a press release.
- 4.3 The consultation took place between 29<sup>th</sup> July and 27<sup>th</sup> August 2024 and followed the Cabinet Office’s Code of Practice on Consultation and the requirements of the Gambling Act 2005. The consultation elicited three response which are available on request. The policy was approved at a meeting of the Full Council on 23<sup>rd</sup> November 2024.

#### **5. The licensing framework**

- 5.1 The Gambling Act 2005 brought about changes to the way that gambling is administered in the United Kingdom. The Gambling Commission is the national gambling regulator and has a lead role in working with central government and local authorities to regulate gambling activity.
- 5.2 The Gambling Commission issues operators licences and personal licences. Any operator wishing to provide gambling at a certain premises must have applied for the requisite personal licence and operator licence before they can approach the council for a premises licence. In this way the Gambling Commission can screen applicants and organisations to ensure they have the correct credentials to operate gambling premises. The council’s role is to ensure premises are suitable for providing gambling in line with the three licensing objectives and any codes of practice issued by the Gambling Commission. The council also issues various permits and notices to regulate smaller scale and or ad hoc gambling in various other locations such as pubs, clubs, and hotels.
- 5.3 The council does not licence large society lotteries or remote gambling through websites. These areas fall to the Gambling Commission. The National Lottery is not licensed by the Gambling Act 2005 and is regulated by the Gambling Commission under the National Lottery Act 1993.

## **6. Declaration**

- 6.1 This statement of licensing policy 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.
- 6.2 In producing this document, the 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.

## **7. Responsible authorities**

- 7.1 The Act empowers certain agencies to act as responsible authorities so that they can employ their area of expertise to help promote the licensing objectives. Responsible authorities can make representations about licence applications or apply for a review of an existing licence. Responsible authorities will also offer advice and guidance to applicants.
- 7.2 The council is required by regulations to state the principles it will apply to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- a. the need for the body to be responsible for an area covering the whole of the licensing authority's area
  - b. the need for the body to be answerable to democratically elected people, rather than any particular vested interest group etc.
- 7.3 In accordance with the regulations the council designates the Leeds Safeguarding Children Partnership for this purpose. Leeds Safeguarding Children Partnership has produced a "West Yorkshire Consortium Inter Agency Safeguarding and Child Protection Procedures Manual" which can be found at <http://westyorkscb.proceduresonline.com>. Applicants may find this manual useful as a point of reference, a guide for good practice and the mechanism by which to make a referral to Social Care, when producing their own policies and procedures in relation to the objective of protection of children and vulnerable people.
- 7.4 The contact details of all the responsible authorities under the Gambling Act 2005 are available on the council's website within the guidance documents at <http://www.leeds.gov.uk/Business/Pages/Gambling-Premises-Licences.aspx>.

## **8. Interested parties**

- 8.1 Interested parties are certain types of people or organisations that have the right to make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person-

- 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)”

- 8.2 The council is required by regulations to state the principles it will apply to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits. The council will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance to Local Authorities.
- Within this framework the council will accept representations made on behalf of residents and tenants associations.
- To determine if an interested party lives or has business interests, sufficiently close to the premises to be likely to be affected by the gambling activities, the council will consider factors such as the size of the premises and the nature of the activities taking place.

- 8.3 The council will provide more detailed information on the making of representations in a separate guidance note. The guidance note has been prepared in accordance with relevant Statutory Instruments and Gambling Commission guidance.

## **9. Exchange of information**

- 9.1 Licensing authorities are required to include in their policy statement the principles to be applied by the authority with regards to the exchange of information between it and the Gambling Commission, as well as other people listed in Schedule 6 to the Act.
- 9.2 The principle that the council applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 2018 will not be contravened. The council will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

## **10. Licensing authority functions**

### **10.1 Licensing authorities are responsible under the Act for:**

- Licensing premises where gambling activities are to take place by issuing premises licences
- Issuing provisional statements
- Regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issuing Club Machine Permits to commercial clubs
- Granting permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres
- Receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines
- Granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- Registering small society lotteries below prescribed thresholds
- Issuing Prize Gaming Permits
- Receiving and endorsing Temporary Use Notices
- Receiving Occasional Use Notices (for tracks)
- Providing information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of information')
- Maintaining registers of the permits and licences that are issued under these functions.

### **10.2 The council is not involved in licensing remote gambling. This is in the remit of the Gambling Commission via operator licences.**



## **Part B    The licensing objectives**

### **11.    Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

- 11.1    The Gambling Commission will take a lead role in keeping gambling crime free by vetting all applicants for personal and operator licences. The council's main role is to try and promote this area with regard actual premises. Thus, where an area has known high levels of organised crime the council will consider carefully whether gambling premises are suitable to be located there (see paragraph 14.8 and 14.9) and whether conditions may be required such as the provision of door supervision (see paragraph 14.31).
- 11.2    There is a distinction between disorder and nuisance. To make the distinction, when incidents of this nature occur, the council will consider factors such as whether police assistance was required and how threatening the behaviour was.
- 11.3    Issues of nuisance cannot be addressed by the Gambling Act provisions however problems of this nature can be addressed through other legislation as appropriate.
- 11.4    Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and in Part D which covers permits and notices.

### **12.    Ensuring that gambling is conducted in a fair and open way**

- 12.1    The council is aware that except in the case of tracks (see section 18) generally the Gambling Commission does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.
- 12.2    However the council will familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice.
- 12.3    Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and in Part D which covers permits and notices.

### **13. Protecting children and other vulnerable persons from being harmed or exploited by gambling**

#### **Protection of children**

13.1 This licensing objective means preventing children from taking part in most types of gambling. The council will therefore consider whether specific measures are required at premises, regarding this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

13.2 The Act provides the following definition for child and young adult in Section 45:

Meaning of “child” and “young person”

- (1) In this Act “child” means an individual who is less than 16 years old.
- (2) In this Act “young person” means an individual who is not a child but who is less than 18 years old.

For this section protection of children will encompass both child and young person as defined by the Act.

13.3 The council will pay particular attention to any codes of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos.

13.4 Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and in Part D which covers permits and notices.

#### **Protection of vulnerable people**

13.5 The council is aware of the difficulty in defining the term “vulnerable person”. In most recent literature it is not a term that is used, with the term “adults at risk of abuse or neglect” or “adults at risk” being the preferred terms.

13.6 The Gambling Commission, in its Guidance to Local Authorities, does not seek to define ‘vulnerable persons’ but it does, for regulatory purposes, assume that this group includes

“people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs.”

13.7 However, in their Vulnerability Statement<sup>4</sup> they also state:

“We know that adults may be in a vulnerable situation at any age, but young adults may be particularly vulnerable to gambling related harms due to a combination of biological, situational and environmental factors.”

13.8 The Care Act 2014 imposes a requirement on a local authority to “make enquiries if it has reasonable cause to suspect that an adult in its area, whether or not ordinarily resident there, has needs for care and support, is experiencing, or is at risk of, abuse or neglect, and as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it”.

13.9 The local authority must make whatever enquiries it thinks necessary to enable it to decide whether any action should be taken in the adult’s case (whether under this Part or otherwise) and, if so, what and by whom. The Care Act 2014 considers abuse to include financial abuse. It states “financial abuse” includes:

- a. having money or other property stolen,
- b. being defrauded,
- c. being put under pressure in relation to money or other property, and
- d. having money or other property misused.

13.10 Leeds Safeguarding Adults considers “financial and material abuse” to include theft, fraud, exploitation, pressure in connection with financial matters, or the misuse of someone else’s finances.

13.11 Prior to the introduction of the Care Act in 2014, the No Secrets statutory Guidance which covered adult safeguarding, used a broad definition of a ‘vulnerable adult’ as a person: “who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation”. The Care Act 2014 has superseded this, and s42 now identifies ‘an adult at risk.’ An adult at risk of abuse or neglect is defined as someone who has needs for care and support, who is experiencing, or at risk of, abuse or neglect and because of their care needs – is unable to protect themselves.

### **Vulnerability to gambling harms in Leeds**

13.12 In 2016 Leeds City Council commissioned Leeds Beckett University to undertake research into gambling harm in Leeds (*Problem Gambling in Leeds; Kenyon, Ormerod, Parsons and Wardle, 2016*). This research, which focussed specifically on gambling harm in Leeds, established that Leeds and areas like Leeds are broadly likely to have gambling harm rates at double the national

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<sup>4</sup> [What do we mean by vulnerability? \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk/what-do-we-mean-by-vulnerability/)

average. The research also looked specifically at identifying groups in society that could be considered vulnerable to, or at higher risk of, gambling harm:

- Young people
- Minority ethnic people
- Unemployed people and those constrained by economic circumstance
- Area of deprivation
- Homelessness
- Mental ill health
- Substance abuse/misuse
- Personality traits/cognitive disorders
- People gambling at problem level seeking treatment

13.13 The Public Health England Evidence Review (2021, updated by OHID in 2023) provides national context on the prevalence of gambling harm. It states:

“During 2018, 0.4% of the population were gambling at ‘problem’ levels, with an additional 3.5% gambling ‘at risk’. The proportion of people gambling at lower-risk levels has increased since 2016 (from 1,094,066 in 2016 to 1,213,830 in 2018), and a recent 2023 evidence update has estimated around 1.76 million people in England have a level of risk attached to their gambling participation (Jan 2023, Office for Health Improvement & Disparities). Local prevalence data requires further development, but current estimates indicate that 60.8% of adults gambled in the past 12 months in Yorkshire and Humber (Y&H ADPH) with 3.6% at-risk and a further 0.7% gambling at ‘problem’ level.

Those harms are experienced as debt (often long term), impact on employment and personal relationships, involvement in crime, mental health issues such as depression and anxiety, suicidal feelings and behaviour, and homelessness. Furthermore, for each person who gambles with negative consequences, around 6 other people are affected, often partners and children. Women are more likely to experience this type of harm and severity increases according to the closeness of the relationship with the person who gambles.”<sup>5</sup>

13.14 The Office for Health Improvement and Disparities (OHID) commissioned researchers at the University of Sheffield and the University of Glasgow to produce estimates of the number of adults who gamble in England who might benefit from treatment or support. The estimates are by national, regional and local authority level.<sup>6</sup>

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<sup>5</sup> [Gambling-related harms: evidence review - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/evidence-reviews/gambling-related-harms-evidence-review)

<sup>6</sup> [Gambling treatment need and support: prevalence estimates - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/evidence-reviews/gambling-treatment-need-and-support-prevalence-estimates)

13.15 This estimates that 25,719 adults might benefit from some type of gambling treatment or support in Leeds. There are an estimated 15,140 children living with these adults.

### **Council approach to Gambling Harms**

13.16 In Leeds, gambling harms is regarded as a matter of public health, and this has been the case since partnership working to address gambling related harms. Public Health co-lead on the partnership working arrangements and project delivery in the city and continue to provide advice, support, and evidence to guide possible interventions to reduce gambling harms.

13.17 When compared to other local areas the work to address gambling-related harms in the city is well developed. The Leeds approach has been recognised nationally including by both the Local Government Association and the Gambling Commission and is a key reason for the city now hosting two treatment services (the NHS Northern Gambling Service and Leeds Community Gambling Service) in the city.

13.18 Leeds City Council's Public Health and Financial Inclusion teams co-lead partnership working arrangements, treatment service liaison and project delivery. Entertainment Licensing lead on the licensing of physical gambling premises, enforcement of these same premises and lobbying through the Local Government Association and liaison with the Gambling Commission.

13.19 The Council's local approach to gambling related harm is delivered successfully through a multi-agency approach and has been since 2016 when the Leeds Gambling Harms Group was formed. Representatives from a wide range of services attend the quarterly meetings, including Financial Inclusion, Public Health, Entertainment Licensing, treatment services (Leeds Community Gambling Service/GamCare, NHS Northern Gambling Service, YGAM), Citizen's Advice, University money support teams, GambleAware and Leeds City Council Communications.

13.20 The partnership was recently refreshed, and key priorities identified by the group, based on evidence and local insight. These four priorities are:

- Building and sharing the evidence base
- Improving identification and recognition of gambling-related harm
- Protecting children and young people from gambling-related harm
- Reducing exposure of vulnerable people to gambling products

- 13.21 The priorities already contribute to aspects of the three pillars from the Best City Ambition but as the themes are developed, further consideration will be given to this to ensure that the pillars are embedded within the work programme. The work is also well linked to range of other city strategies and plans including the Thriving Strategy and Better Lives strategy. Work will continue to ensure that there is link up with relevant strategies and work areas.
- 13.22 On a national level, the Council is represented at a Communities of Improvement Group, coordinated by the Office of Health Improvement and Disparities (OHID), which brings together Public Health leads in Yorkshire and the Humber with a focus on gambling related harm. <sup>7</sup>

### **Considering vulnerability when making applications**

- 13.23 In the case of premises licences the council is aware of the extensive requirements set out for operators in the Gambling Commission's Code of Practice regarding social responsibility. In this document the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:
- Combating gambling harm
  - Access to gambling by children and young people
  - Information on how to gamble responsibly and help for problem gamblers
  - Customer interaction
  - Self-exclusion
  - Employment of children and young people
- 13.24 All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective and determine if these policies and procedures are appropriate in their circumstances. The council will communicate any concerns to the Gambling Commission about any absence of this required information.
- 13.25 Applicants may also like to refer to Leeds Safeguarding Adults Partnership document entitled "Multi Agency Safeguarding Adults Policies and Procedures – West and North Yorkshire and York" which provides extensive guidance on identifying vulnerable people and what can be done to reduce risk for this group. This document can be accessed via <http://www.leedssafeguardingadults.org.uk>
- 13.26 The council has developed a risk matrix which identifies those areas which may have a population experiencing higher levels, and an accumulation of risk, therefore increasing vulnerability to gambling related harms. More information on areas identified as very high risk can be found in Part C.

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<sup>7</sup> [Council and democracy \(leeds.gov.uk\)](http://leeds.gov.uk)

13.27 Applicants could consider offering measures to be imposed on licences as conditions, which protect and support vulnerable people in the area, for example:

- Reduced opening hours.
- Working with local authority and treatment partners in training staff in gambling harm prevention.
- Training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect people who may be vulnerable.
- Training for staff members which focuses on identifying and providing support to vulnerable people
- Restrict single manning operations (no lone working) due to concerns over timely age verification, safety of staff, supervision, ability to comply with company policies on gambling harm, and the ability to provide brief interventions.
- Use of security to minimise risk of disturbances including CCTV, SIA licensed security presence at the venue.
- Outline the amount and content of gambling harms support advertising that should be in the premises, including advertising of local treatment support.
- The level of detail that will be collected in the incident log, including interventions made by staff to support customers who are gambling problematically. Define how often this information should be shared with the local authority.
- Provision of leaflets aiding problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets
- The administration and enforcement of self-exclusion schemes
- Windows, entrances, and advertisements to be positioned or designed not to entice children or other vulnerable people.

13.28 When licensed premises wish to advertise to local communities, a risk assessment with the Licensing Authority should be undertaken to ensure the most deprived areas and vulnerable client groups are not targeted. To protect those most vulnerable or susceptible to gambling related harm Leeds City Council recommends advertising material is not displayed within 100 metres of venues accessed by vulnerable groups, such as council offices, community hubs, addiction treatment services, advice centres, family centres and organisations that may provide financial and other advice.

13.29 It should be noted that some of these measures form part of the mandatory conditions placed on premises licences.

13.30 The council may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant.

## Part C Premises licences

### 14. General Requirements

- 14.1 The council will issue premises licences to allow those premises to be used for certain types of gambling. For example premises licences will be issued to amusement arcades, bingo halls, bookmakers, and casinos.
- 14.2 Premises licences are subject to the permissions/restrictions set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities can exclude default conditions and attach other conditions, where it is believed to be necessary and proportionate.
- 14.3 Applicants should also be aware that the Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The council will also have regard to these Codes of Practice.

#### Definition of “premises”

- 14.4 Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances.
- 14.5 The council will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. The council will assess entrances and exits from parts of a building covered by one or more licences to satisfy itself that they are separate and identifiable so that the separation of different premises is not compromised, and that people do not ‘drift’ into a gambling area.
- 14.6 The council will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Issues that the council will consider before granting such applications include whether children can gain access, compatibility of the two establishments; and the ability to comply with the requirements of the Act. In addition an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the act.
- 14.7 An applicant cannot obtain a full premises licence until they have the right to occupy the premises to which the application relates.



## Location

- 14.8 The council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered regarding the location of premises but that considerations in terms of the licensing objectives can. The council will pay particular attention to the protection of children and vulnerable people from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 14.9 With regards to these objectives it is the council's policy, upon receipt of any relevant representations, to look at specific location issues including:
- the possible impact a gambling premises may have on any premises that provide services to children or young people, for example a school, or vulnerable adult centres in the area
  - the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children
  - the size of the premises and the nature of the activities taking place
  - deprivation in the area
  - any levels of organised crime in the area.

## Local Risk Assessments

- 14.10 From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, for licensees (except for those which hold betting licences for tracks) to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures, and control measures to mitigate those risks. In making risk assessments, licensees must consider relevant matters identified in this policy.
- 14.11 The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:
- a. to take account of significant changes in local circumstance, including those identified in this policy.
  - b. when there are significant changes at a licensee's premises that may affect their mitigation of local risks.
  - c. when applying for a variation of a premises licence; and
  - d. in any case, undertake a local risk assessment when applying for a new premises licence.
- 14.12 The council will expect the local risk assessment to consider the urban setting:
- The proximity of the premises to schools.
  - The demographics of the area in relation to vulnerable groups.
  - The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather.

- The range of facilities in the local area such as other gambling outlets, banks, post offices, refreshment, and entertainment type facilities.

14.13 The local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected:

- The training of staff by a quality assured training provider in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Information held by the licensee regarding self-exclusions and incidences of underage gambling.
- Arrangements in place for local exchange of anonymised information regarding self-exclusion and gaming trends.
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments.
- Arrangements for monitoring and dealing with under-age people and vulnerable people, which may include:
  - dedicated and trained personnel,
  - leaflets and posters,
  - self-exclusion schemes,
  - window displays and advertisements designed to not entice children and vulnerable people.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.
- The proximity of premises that may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor surgeries, council community hubs, addiction clinics or help centres, places where alcohol or drug dependent people may congregate.

14.14 The local risk assessment should show how children are to be protected:

- The proximity of institutions, places, or areas where children and young people frequent such as schools, youth clubs, parks, playgrounds, and entertainment venues such as bowling allies, cinemas, etc.
- The proximity of place where children congregate such as bus stops, cafes, shops.

14.15 Other matters that the assessment may include:

- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of people using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those people using the premises.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

- 14.16 The council has developed a Gambling Harm Vulnerability Matrix which identifies localities in Leeds which may have a higher the normal number of vulnerable adults and children at risk. The Matrix uses several data sources to rank Medium Super Output Areas against one another to identify the risk of harm. This matrix is available on request from Entertainment Licensing.
- 14.17 Information in the Local Area Risk Assessment and the council's Gambling Harm Vulnerability Matrix may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with conditions or to refuse the application.
- 14.18 This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.
- 14.19 Applicants may find it useful to request a copy of the Matrix and use the results to develop their local area risk assessment. When considering the application, the licensing authority and other responsible authorities and interested persons will use the Matrix to rank the location. This may be a determining factor in any representations and this evidence will be provided to licensing sub-committee.

### **Local Area Profile**

- 14.20 Each locality has its own character and challenges. To assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the council may publish a local area profile. This profile, compiled in conjunction with the Community Hubs and approved by the Licensing Committee, can be obtained from Entertainment Licensing.
- 14.21 The local area profiles should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the profiles, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profiles will be presented to any subsequent licensing subcommittee when they determine an application that has received representations.
- 14.22 The council recognises that it cannot insist on applicants using the local area profiles when completing their risk assessments. However an applicant who decides to disregard the profiles may face additional representations and the expense of a hearing as a result.

## Duplication with other regulatory regimes

- 14.23 The council will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. The council will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about proposed conditions which are not able to be met by the applicant due to planning restrictions, should such a situation arise.

## Conditions

- 14.24 The council is aware that the Secretary of State has set mandatory conditions and default conditions and the Gambling Commission has set Licence Conditions and Codes of Practice which are necessary for the general good conduct of gambling premises, therefore it is unlikely that the council will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been dealt with.
- 14.25 Where there are specific risks or problems associated with a particular locality, or specific premises, or class of premises, the council will attach individual conditions to address this.
- 14.26 Any conditions attached to a licence issued by the council 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, and/or related to the area where the premises is based.
  - fairly and reasonably related to the scale, type, and location of premises.
  - consistent with the licensing objectives, and
  - reasonable in all other respects.
- 14.27 Decisions about individual conditions will be made on a case by case basis, although there will be a number of control measures the council will consider using, such as supervision of entrances, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types in this policy. The council will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively
- 14.28 Where certain measures are not already addressed by the mandatory/default conditions or by the applicant, the council may consider licence conditions to cover issues such as:

- Proof of age schemes.
- CCTV.
- Supervision of entrances.
- Supervision of machine areas.
- A reduction in the number of betting machines (betting premises).
- The manning of premises.
- Physical separation of areas.
- Location of entrance points.
- Notices/signage.
- Specific opening hours.
- A requirement that children must be accompanied by an adult (in premises where children are allowed).
- Enhanced DBS checks of the applicant and/or staff.
- Staff training in brief intervention, conflict resolution, basic knowledge of mental health, learning disabilities and addiction, including substance misuse.
- Support to people with gambling addiction, including brief intervention.
- Policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as pre and post school hours, half term and school holidays.
- Policies to address the problems associated with truant children who may attempt to gain access to premises and gamble.
- Obscuring windows where appropriate and labelling premises so it's clear that they are gambling premises.

14.29 This list is not mandatory or exhaustive and is merely indicative of examples of certain measures which may satisfy the requirements of the licensing authority and the responsible authorities, depending on the nature and location of the premises and the gambling facilities to be provided.

14.30 There are conditions which the council cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible for the applicant 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.

## Door supervision

14.31 The council will consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable people from being harmed or exploited by gambling, and in terms of preventing premises becoming a source of crime. It is noted though that the Gambling Act 2005 has amended the Private Security Industry Act 2001 and that door supervisors at casinos or bingo premises are not required to be licensed by the Security Industry Authority. Where door supervisors are provided at these premises the

operator should ensure that any people employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out criminal records (DBS) check on potential staff and for such personnel to have attended industry recognised training.

## **15. Adult gaming centres**

- 15.1 Adult gaming centres are a category of premises introduced by the Act that are most closely related to adult only amusement arcades seen in many city centres.
- 15.2 Under the Act a premises holding an adult gaming centre licence will be able to make category B, C and D gaming machines available and no one under 18 will be permitted to enter such premises.
- 15.3 The council will specifically have regard to the need to protect children and vulnerable people from harm or being exploited by gambling in these premises. The council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.
- 15.4 Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commission Codes of Practice or by the applicant, the council may consider licence conditions to address such issues.

## **16. Licensed family entertainment centres (FECs)**

- 16.1 Licensed family entertainment centres are those premises which usually provide a range of amusements such as computer games, penny pushers and may have a separate section set aside for adult only gaming machines with higher stakes and prizes. Licensed family entertainment centres will be able to make available unlimited category C and D machines where there is clear segregation in place, so children do not access the areas where the category C machines are located.
- 16.2 Where category C or above machines are available in premises to which children are admitted then the council will ensure that:
- all such machines are in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice, and the council may insist on a permanent barrier of at least 1 meter high
  - only adults are admitted to the area where the machines (category C) are located
  - access to the area where the machines are located is always supervised
  - the area where the machines are located is arranged so that it can be observed by staff; and
  - at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to people under 18.

- 16.3 The council will specifically have regard to the need to protect children and vulnerable people from harm or being exploited by gambling in these premises. The council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 16.4 The council will expect 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.
- 16.5 The efficiency of such policies and procedures will each be considered on their merits; however, they may include:
- appropriate measures and training for staff as regards suspected truant children on the premises
  - measures and training covering how staff would deal with unsupervised very young children being on the premises
  - measures and training covering how staff would deal with children causing perceived problems on or around the premises
  - the arrangements for the supervision of the premises either by staff or the use of a suitable CCTV system. Advice regarding the suitability of a CCTV system can be obtained from West Yorkshire Police.
- 16.6 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Disclosure and Barring Service to determine if their staff need to undertake a DBS check.
- 16.7 The council will refer to the Commission's website to familiarise itself with any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The council will also make itself aware of the mandatory or default conditions and any Gambling Commission Codes of Practice on these premises licences.

## **17. Casinos**

- 17.1 Leeds has several casinos which were licensed under the Gaming Act 1968, which have been subsequently converted into Gambling Act 2005 Converted Casino Premises Licences.
- 17.2 The Gambling Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games whereby casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players. Casinos can also provide equal chance gaming and gaming machines. Large and small casinos can also provide betting machines.

## **Licence considerations/conditions**

- 17.3 The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The council will take this into consideration when determining licence applications for converted casino licences.
- 17.4 The council will specifically have regard to the need to protect children and vulnerable people from harm or being exploited by gambling in these premises. The council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.
- 17.5 Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Licence Conditions and Codes of Practice or by the applicant, the council may consider licence conditions to cover certain issues.
- 17.6 Detailed information on the Large Casino Application Process can be found in Appendix 2.

## **18. Bingo premises**

- 18.1 There is no official definition for bingo in the Gambling Act 2005 however from a licensing point of view there is a category of premises licence specifically for bingo premises which is used by traditional commercial bingo halls for both cash and prize bingo. In addition this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act (see Appendix 1).
- 18.2 The council is aware that it is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted then the council will ensure that:
- all such machines are in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice, and the council may insist on a permanent barrier of at least one meter high
  - only adults are admitted to the area where the machines are located
  - access to the area where the machines are located is always supervised
  - the area where the machines are located is arranged so that it can be observed by staff
  - at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to people under 18
  - children will not be admitted to bingo premises unless accompanied by an adult.



- 18.3 The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The council will take this into consideration when determining licence applications for bingo premises.
- 18.4 Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission Code of Practice or the applicant, the council may consider licence conditions to address such issues.

## **19. Betting premises**

- 19.1 Betting premises are premises such as bookmakers where various types of gambling are authorised to take place. The Act contains a single class of licence for betting premises however within this single class there are different types of premises which require licensing such as high street bookmakers, bookmakers located in self-contained facilities at racecourses as well as the general betting premises licences that track operators will require.
- 19.2 The council will specifically have regard to the need to protect children and vulnerable people from harm or being exploited by gambling in these premises. The council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.

### **Betting machines**

- 19.3 The council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature, and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other things, will consider the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.
- 19.4 Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B2-B4) including any Fixed Odds Betting Terminals (FOBTs), then applicants should consider the control measures related to the protection of vulnerable people, highlighted in section 13.
- 19.5 Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Code of Practice or the applicant, the council may consider licence conditions to address such issues.

## 20. Tracks

- 20.1 Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the “totaliser” or “tote”), and general betting, often known as fixed odds betting. Multiple betting outlets are usually located on tracks such as ‘on-course’ betting operators who come onto the track just on race days to provide betting for the races taking place on that track. There can also be ‘off-course’ betting operators who may operate self-contained facilities at the tracks which offer customers the chance to bet on other events, not just those taking place on the track.
- 20.2 All tracks will require a primary ‘general betting premises licence’ that the track operator will hold. It should be noted that track operators do not require an operating licence from the Gambling Commission although they may apply for one. This is because the various other gambling operators offering betting at the track will each hold an operating licence.
- 20.3 Tracks may also be subject to one or more premises licences, provided each licence relates to a specified area of the track. This may be preferable for any self-contained premises providing off-course betting facilities at the track. The council will however assess each individual case on its merits before deciding if this is necessary. Where possible the council will be happy for the track operator to decide if any off-course operators should apply for a separate premises licence.
- 20.4 If any off-course operators are permitted to provide betting facilities under the authorisation of the track operator’s premises licence, then it will be the responsibility of the premises licence holder to ensure the proper conduct of such betting within the premises boundary.
- 20.5 Gambling Commission guidance also indicates that it would be possible for other types of gambling premises to be located at a track under the authorisation of separate premises licences, e.g. a casino premises licence or adult gaming centre premises licence. If you require further guidance on this provision, please contact the Entertainment Licensing Section.
- 20.6 Children and young people will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines and betting machines (other than category D machines) are provided.
- 20.7 The council will consider the impact upon the protection of children licensing objective and the need to ensure that entrances to each type of betting premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

## Betting machines

- 20.8 The council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature, and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other things, will consider the size of the premises, the number of counter positions available for person-to-person transactions and the location of the machines, to ensure they are in a properly segregated area where children are not permitted.
- 20.9 Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission's Licence Conditions and Code of Practice or the applicant, the council may consider licence conditions to address such issues.

## 21. Travelling fairs

- 21.1 Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit provided that certain conditions are met, and this provision continues in similar fashion under the new Act.
- 21.2 Travelling fairs have the right to provide an unlimited number of category D gaming machines and/or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair (see Appendix 1).
- 21.3 The council will consider whether any fairs which take up the above entitlement fall within the statutory definition of a travelling fair.
- 21.4 The council is aware that the 27 day statutory maximum for the land being used as a fair is per calendar year and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The council will work with its neighbouring authorities to ensure that land which crosses the council boundary is monitored so that the statutory limits are not exceeded.

## 22. Provisional statements

- 22.1 A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which he expects to be constructed, to be altered or to acquire a right to occupy would be granted a premises licence. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so the developer can judge whether a development is worth taking forward considering

the need to obtain a premises licence. An applicant may also apply for a provisional statement for premises which already hold a premises licence (either for a different type of gambling or the same type).

- 22.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be considered unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- a. which could not have been raised by objectors at the provisional licence stage; or
  - b. which in the authority's opinion reflect a change in the operator's circumstances.
- 22.3 When determining a provisional statement application the council will operate in accordance with the Act and will not have regard to any issues related to planning consent or building regulations, e.g. the likelihood that planning consent will be granted.

## Part D Permits, notices, and lottery registrations

### 23 Unlicensed family entertainment centre gaming machine permits (UFECs)

- 23.1 The term ‘unlicensed family entertainment centre’ is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements such as computer games and penny pushers. The premises is ‘unlicensed’ in that it does not require a premises licence but does require a permit to be able to provide category D machines. It should not be confused with a ‘licensed family entertainment centre’ which requires a premises licence because it contains both category C and D gaming machines.
- 23.2 The Gambling Act 2005 contains provision for local authorities to prepare a “Statement of Principles” that they propose to consider in determining the suitability of an applicant for a permit. Schedule 10, Para 7 of the Act states “In preparing this statement, and/or considering applications, it [the council] need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission.
- 23.3 In line with the above provision the council has prepared a ‘Statement of Principles’ in relation to unlicensed family entertainment centre gaming machines as follows:

#### Statement of Principles

- 23.4 The council will expect 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.
- 23.5 The efficiency of such policies and procedures will each be considered on their merits; however, they may include:
- appropriate measures and training for staff as regards suspected truant children on the premises
  - measures and training covering how staff would deal with unsupervised very young children being on the premises
  - measures and training covering how staff would deal with children causing perceived problems on or around the premises.
  - the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the latest Home Office and ACPO standards and to the satisfaction of West Yorkshire Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible, and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.

- 23.6 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Disclosure and Barring Service to determine if their staff need to undertake a DBS check.
- 23.7 The council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed family entertainment centres,
  - That the applicant has no relevant conviction (those that are set out in Schedule 7 of the Act), and
  - That staff are trained to have a full understanding of the maximum stakes and prizes.
- 23.8 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in the “Statement of Principles” have been addressed through the application.
- 23.9 Applicants only need to address the “Statement of Principles” when making their initial applications and not at renewal time.

## **24. Gaming machine permits in premises licensed for the sale of alcohol**

- 24.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines of categories C and/or D. The premises merely need to notify the council. The council can remove the automatic authorisation in respect of any 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.
- 24.2 If a premises wishes to have more than two machines, then it needs to apply for a permit and the council must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” The council considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable people from harm or being exploited by gambling. The council will also expect the applicant to satisfy the authority that there will be sufficient

measures to ensure that children and young people under the age of 18 do not have access to the adult only gaming machines.

- 24.3 All alcohol licensed premises with gaming machines must have regard to the need to protect children and vulnerable people from harm or being exploited by gambling and provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines.
- 24.4 Measures which may satisfy the council that people under 18 years will be prevented from using the machines may include the machines being near the bar, or in any other area where they are capable of being adequately supervised. Notices and signage may also help. As regards the protection of vulnerable people, applicants may wish to consider the provision of information leaflets and or helpline numbers for organisations such as GamCare, as well as any policy they may have regarding people becoming distressed or who may be gambling excessively, or for an excessive amount of time.
- 24.5 The council can decide to grant the permit with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 24.6 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine(s).
- 24.7 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be dealt with under the relevant provisions of the Act.
- 24.8 Alcohol licensed premises can provide some limited equal chance gaming. Licensees are referred to the advice provided by the Gambling Commission and Appendix 3 of this document.

## **25. Prize gaming permits**

- 25.1 Section 288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences. Prize gaming can often be seen at seaside resorts in amusement arcades where a form of bingo is offered, and the prizes are displayed on the walls.
- 25.2 A prize gaming permit is a permit issued by the licensing authority to authorise the provision of facilities for gaming with prizes on specified premises.
- 25.3 The Gambling Act 2005 contains provision for local authorities to prepare a “Statement of Principles” that they propose to consider in determining the suitability of an applicant for a permit. Schedule 14, Para 8 of the Act states, “in

preparing this statement, and/or considering applications, it [the council] need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25.

- 25.4 In line with the above provision the council has prepared a Statement of Principles in relation to prize gaming permits as follows:

### **Statement of Principles**

- 25.5 The council will expect 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.
- 25.6 The efficiency of such policies and procedures will each be considered on their merits; however, they may include:
- appropriate measures and training for staff as regards suspected truant children on the premises
  - measures and training covering how staff would deal with unsupervised very young children being on the premises
  - measures and training covering how staff would deal with children causing perceived problems on or around the premises. the arrangements for supervision of premises either by staff or the use of CCTV.
  - Any CCTV system installed should both the interior and the entrance working to the Home Office and ACPO standards as described PSDB leaflet 09/05 and to the satisfaction of West Yorkshire Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible, and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.
- 25.7 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Disclosure and Barring Service to determine if their staff need to undertake a DBS check.
- 25.8 The council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling that is permissible
  - That the gaming offered is within the law.
- 25.9 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in the “Statement of Principles” have been addressed through the application.



- 25.10 Applicants only need to address the “Statement of Principles” when making their initial applications and not at renewal time.
- 25.11 There are conditions in the Gambling Act 2005 by which the permit holder must comply. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with.
  - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played.
  - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
  - participation in the gaming must not entitle the player to take part in any other gambling.

## **26. Club gaming and club machine permits**

- 26.1 Members clubs and miners’ welfare institutes may apply for a ‘club gaming permit’ or a ‘club machine permit’. The ‘club gaming permit’ will enable the premises to provide gaming machines (three machines of categories B4, C or D), equal chance gaming. i.e. poker, bingo etc. A ‘club machine permit’ will enable the premises to provide gaming machines (three machines of categories B4, C or D). Commercial clubs may apply for a ‘club machine permit’ only.
- 26.2 To qualify for these special club permits a member’s club must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming. A members’ club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men’s clubs, branches of the Royal British Legion and clubs with political affiliations.
- 26.3 Clubs must have regard to the protection of children and vulnerable people from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines. Measures which may satisfy the council that people under 18 years will be prevented from using the machines may include the machines being near the bar, or in any other area where they are capable of being adequately supervised. Notices and signage may also help. As regards the protection of vulnerable people, applicants may wish to consider the provision of information leaflets and or helpline numbers for organisations such as GamCare, as well as any policy they may have regarding people becoming distressed or who may be gambling excessively, or for an excessive amount of time.
- 26.4 Before granting the permit the council will need to satisfy itself that the premises meets the requirements of a members’ club, and that most members are over 18.

- 26.5 The council may only refuse an application on the grounds that:
- a. the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which they have applied.
  - b. the applicant's premises are used wholly or mainly by children and/or young people.
  - c. an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities.
  - d. a permit held by the applicant has been cancelled in the previous ten years; or
  - e. an objection has been lodged by the Commission or the police.

26.6 There is also a 'fast-track' procedure available for premises which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which the council can refuse a permit is reduced. The grounds on which an application under the process may be refused are:

- a. that the club is established primarily for gaming,
- b. that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- c. that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

## **27. Temporary use notices**

- 27.1 Temporary use notices allow the use of premises on not more than 21 days in any 12 month period 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 useful for a temporary use notice would include hotels, conference centres and sporting venues.
- 27.2 Temporary Use Notices allow the use of premises for any form of equal chance gambling where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner.
- 27.3 Only people or companies holding a relevant operating licence can apply for a temporary use notice to authorise the class of gambling permitted by their operating licence.
- 27.4 A temporary use notice must be lodged with the licensing authority not less than three months and one day before the day on which the gambling is due to take place. Detailed information about how to serve a temporary use notice will be available in a separate guidance note.
- 27.5 The Act makes a special reference, in the context of temporary use notices, to a "set of premises" to try and ensure that large premises which cannot reasonably

be viewed as separate are not used for more temporary use notices than permitted under the Act. The council considers that the determination of what constitutes “a set of premises” will be a question of fact in the circumstances of each notice that is given. In considering whether a place falls within the definition of a “set of premises”, the council will look at, amongst other things, the ownership/occupation and control of the premises. The council will be ready 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.

## **28. Occasional use notices (for tracks)**

- 28.1 There is a special provision in the Act which provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Track operators and occupiers need to be aware that the procedure for applying for an occasional use notice is different to that for a temporary use notice. The application may be made in writing, to the council by the person responsible for the administration of the events on a track or by an occupier of the track.
- 28.2 The council 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. The council will however consider the definition of a ‘track’ and whether the applicant is entitled to benefit from such notice.

## **29. Small society lottery registrations**

- 29.1 A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part.
- 29.2 The Act creates two principal classes of lotteries: Licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within the class of exempt lotteries there are four sub classes, one of which is small society lotteries.
- 29.3 A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by the council for small societies who have a principal office in Leeds and want to run such lottery.
- 29.4 A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.
- 29.5 To be ‘non-commercial’ a society must be established and conducted:

- for charitable purposes,
- for the purpose of enabling participation in, or supporting, sport, athletics, or a cultural activity; or
- for any other non-commercial purpose other than that of private gain.

29.6 The other types of exempt lotteries are 'incidental non-commercial lotteries', 'private lotteries' and 'customer lotteries'. If you require guidance on the different categories of lotteries, please contact the council.

29.7 The National lottery is not licensed by the Gambling Act 2005 and continues to be regulated by the National Lottery Commission under the National Lottery Act 1993.

## Part E Enforcement

### 30. Enforcement principles

30.1 The council will work closely with the responsible authorities in accordance with a locally established joint enforcement protocol and will aim to promote the licensing objectives by targeting known high risk premises following government guidance around better regulation. Specifically the council is subject to the Regulators' Code which provides the following six provisions which the Council should follow in its enforcement activities, unless it concludes, based on material evidence, that a specific provision of the Code is either not applicable or outweighed by another relevant consideration.

- a. Regulators should carry out their activities in a way that supports those they regulate to comply and grow
- b. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views
- c. Regulators should base their regulatory activities on risk
- d. Regulators should share information about compliance and risk
- e. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
- f. Regulators should ensure that their approach to their regulatory activities is transparent

30.2 In carrying out its enforcement duties with regards to the inspection of premises; and the powers to institute criminal proceedings in respect of certain offences under the Act the council will endeavour to be:

**Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised.

**Accountable:** regulators must be able to justify decisions and be subject to public scrutiny.

**Consistent:** rules and standards must be joined up and implemented fairly.

**Transparent:** regulators should be open, and keep regulations simple and user friendly; and

**Targeted:** regulation should be focused on the problem and minimise side effects.

30.3 The council will endeavour to avoid duplication with other regulatory regimes so far as possible.

30.4 Where there is a Primary Authority scheme in place, the council will seek guidance from the Primary Authority before taking any enforcement action. At

the time of the publication of this policy there were seven Primary Authority arrangements with host local authorities:

BACTA	Reading
Coral Racing	Milton Keynes
Ladbrokes	Milton Keynes
Paddy Power	Reading
Rank Group	City of Westminster
Sky Betting & Gaming	Wakefield
William Hill	Reading

- 30.5 Further information, including an index of all Primary Authority arrangements can be found at <https://primaryauthorityregister.info/par>
- 30.6 The council will also adopt a risk-based inspection programme in line with government recommendations around better regulation and the principles of the Hampton Review.
- 30.7 The main enforcement and compliance role for the council in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences. Concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the council but will be notified to the Gambling Commission. In circumstances where the council believes a premises requires a premises licence for gambling activities and no such licence is in force, the council will alert the Gambling Commission.
- 30.8 The council will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 30.9 The council's enforcement/compliance protocols/written agreements will be available upon request.

## **31. Reviews**

- 31.1 A review is a process defined in the legislation which ultimately leads to a licence being reassessed by the Licensing Committee with the possibility that the licence may be revoked, suspended or that conditions may amended, or new conditions added.
- 31.2 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the council to decide whether the review is to be carried out. This will be based on whether the request for the review is:

- a. in accordance with any relevant code of practice issued by the Gambling Commission
- b. in accordance with any relevant guidance issued by the Gambling Commission
- c. reasonably consistent with the licensing objectives and
- d. in accordance with this authority's Gambling Act 2005 – Statement of Licensing Policy.

31.3 In addition the council may also reject the application on the grounds that the request is frivolous, vexatious, will certainly not cause this authority to wish to alter, revoke or suspend the licence, or is substantially the same as previous representations or requests for review.

31.4 The council can also initiate a review of a licence based on any reason which it thinks is appropriate.

## Appendix 1 Glossary of terms

Term	Description
ATM	Cash machine.
Betting	Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not and likewise whether one person knows the outcome or not.
Betting Machines / Bet Receipt Terminal	Betting machines can be described as automated betting terminals where people can place bets on sporting events removing the need to queue up and place a bet over the counter.
Bingo	There are essentially two types of bingo: cash bingo, where the stakes paid make up the cash prizes that can be won and prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.
Book	Running a 'book' is the act of quoting odds and accepting bets on an event. Hence the term 'Bookmaker'.
Casino games	A game of chance, which is not equal chance gaming such as roulette and blackjack etc.
Chip	Casinos in the UK require you to use chips to denote money. They are usually purchased and exchanged at a cashier's booth.
Coin pusher or penny falls machine	A machine of the kind which is neither a money prize machine nor a non-money prize machine
Crane grab machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device. i.e. a grab mechanism.
Default condition	These are prescribed in regulations and will be attached to all classes of premises licence, unless excluded by the council.
Equal Chance Gaming	Gaming which does not involve playing or staking against a bank.
Fixed odds betting	If a gambler can establish what the return on a bet will be when it is placed, (and the activity is not 'gaming' see below), then it is likely to be betting at fixed odds.
Fixed Odds betting terminals (FOBTs)	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touchscreen' displays and look like quiz machines familiar in pubs and clubs but offer several games, roulette being the most popular.
Gaming	Gaming, in reference to gambling, can be defined as 'the playing of a game of chance for winnings in money or monies worth,



Term	Description
	whether any person playing the game is at risk of losing any money or monies worth or not'. Gaming is also the common term for the playing of online video games and should not be confused.
Gaming Machine	Any type of machine allowing any sort of gambling activity including betting on virtual events but not including home computers even though users can access online gaming websites.
Licensing Objectives	<p>The licensing objectives are three principal goals which form the basis of the Act. Stakeholders who have an interest in the Act need to try and promote these objectives: The licensing objectives are:</p> <ul style="list-style-type: none"> <li>• Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.</li> <li>• Ensuring that gambling is conducted in a fair and open way.</li> <li>• Protecting children and other vulnerable people from being harmed or exploited by gambling.</li> </ul>
Lottery	A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part. A lottery is defined as either a simple lottery or a complex lottery. A simple lottery is one where people are required to pay to participate, and one or more prizes are allocated to one or more members of a class and the prizes are allocated by a process which relies wholly on chance. A complex lottery is where people are required to pay to participate, and one or more members of a class and the prizes are allocated by a series of processes where the first of those processes relies wholly on chance. Prize means money, articles or services provided by the members of the class among whom the prize is allocated. (It should be noted that the National Lottery is not included in this definition of lottery and is regulated by the National Lottery Commission).
Mandatory condition	A condition which will be set by the Secretary of State (some set out in the Act and some to be prescribed by regulations) which will be automatically attached to a specific type of premises licence. The council will have no discretion to alter or remove these conditions.
Money prize machine	A machine in respect of which every prize which can be won because of using the machine is a money prize.

Term	Description
Non-money prize machine	<p>A machine in respect of which every prize which can be won because of using the machine is a non-money prize. The winner of the prize is determined by:</p> <p>(i) the position in which the coin or token comes to rest after it is inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or</p> <p>(ii) if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after release, together with the position of other tokens which have previously been released.</p>
Odds	The ratio to which a bet will be paid if the bet wins, e.g. 3-1 means for every £1 bet, a person would receive £3 of winnings.
Off-course betting operator	Off-course betting operators may, in addition to premises away from the track, operate self-contained betting premises within a track premises. Such self-contained premises will provide facilities for betting on both events taking place at the track (on-course betting), as well as other sporting events taking place away from the track (off-course betting). In essence such premises operate like a traditional high street bookmaker. They will however only normally operate on race days.
On-course betting operator	The on-course betting operator is one who comes onto on a track, temporarily, while races are taking place, and operates at the track side. On-course betting operators tend to offer betting only on the events taking place on the track that day (on-course betting).
Pool Betting	<p>For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings:</p> <p>1) Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the people betting</p> <p>2) Shall be divided among the winners or</p> <p>3) Shall or may be something other than money. For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.</p>
Regulations or Statutory instruments	Regulations are a form of law, often referred to as delegated or secondary legislation. They have the same binding legal effect as Acts and usually state rules that apply generally, rather than to specific people or things. However, regulations are not made by Parliament. Rather, they are made by people or bodies to whom

<b>Term</b>	<b>Description</b>
	Parliament has delegated the authority to make them, such as a minister or an administrative agency.
Representations	In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation to a licensing application. Representations must be made in time, e.g. during a designated notice period.
Responsible authority (authorities)	Responsible authorities (RAs) are agencies which have been appointed by the Gambling Act or regulations to fulfil a designated role during the licensing process. RAs must be sent copies of all licensing applications and have the power to make representations about such applications. RAs also have the power to ask for licences to be reviewed. For Leeds the RAs include West Yorkshire Police, The local Safeguarding Children Board, Leeds City Council's Development Department as well as several others.
Skill machine / Skill with prizes machine	The Act does not cover machines that give prizes because of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.
Spread betting	A form of investing which is more akin to betting and can be applied either to sporting events or to the financial markets. Spread betting is regulated by the Financial Services Authority.
Stake	The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house where the house could be a gaming machine.
Statement of principles document	A document prepared by the council which outlines the areas that applicants need to consider before applying for gaming permits.
Table gaming	Card games played in casinos.
Tote	"Tote" is short for Totaliser, a system introduced to Britain in 1929 to offer pool betting on racecourses.
Track	Tracks are sites (including horse tracks and dog tracks) where races or other sporting events take place. Examples of tracks within the Leeds district would be Elland Road Football ground and Headingley Stadium.

## Appendix 2 Large Casino

The status of the Large Casino is that a premises licence has been granted. The following process will apply should the current licence cease to exist because it has either been surrendered or revoked.

### 1. Background

- 1.1 The Act introduces three new categories of casino: one regional casino, eight large casinos and eight small casinos. In 2006 the council submitted a proposal for a regional and large casino to the Casino Advisory Panel.
- 1.2 On 15<sup>th</sup> May 2008 the Categories of Casino Regulation 2008 and the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 was approved. This specified which licensing authorities could issue premises licences for large and small casinos. Leeds City Council was authorised to issue a large casino premises licence.
- 1.3 On 26<sup>th</sup> February 2008 the Secretary of State for Culture, Media and Sport issued the Code of Practice on Determinations Relating to Large and Small Casinos (Code of Practice). The council will comply with this Code which sets out:
  - a. the procedure to be followed in making any determinations required under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005 and
  - b. matters to which the Licensing Authority should have regard in making these determinations.
- 1.4 The council recognises that applicants may either apply for a casino premises licence or a provisional statement. As for all premises licences, applicants for a casino premises licence must fulfil certain criteria in that they must:
  - a. hold or have applied for an operating licence from the Gambling Commission; and
  - b. have the right to occupy the premises in question.
- 1.5 Should an applicant be unable to meet these two criteria they should apply for a provisional statement.
- 1.6 Unless otherwise specified, any reference to the application and procedures for a premises licence for a casino in the following parts of this section will also include the application and procedures for a provisional statement for a casino.
- 1.7 Where a provisional statement application is successful, the council may limit the period for which the statement will have effect. This period may be extended if the applicant so applies.
- 1.8 The council will ensure that any pre-existing contract, arrangement or other relationship with a company or individual does not affect the procedure for

assessing applications to make it unfair or perceived to be unfair to any applicant.

- 1.9 In deciding on both stages the council will take heed of any current Codes of Practice, current Regulations and guidance issued by the Secretary of State for the Department of Digital, Culture, Media and Sport and the Gambling Commission.
- 1.10 The council has not passed a “no casino” resolution under Section 166 of the Gambling Act 2005 but is aware that it has the power to do so. It may choose to exercise this option should there be only one application for a large casino premises licence or should, where there is more than one application, those applications fail to meet the council’s aspirations for benefit for the Leeds metropolitan area. Should the council decide in the future to pass such a resolution, it will update this policy with details of that resolution and any such decision will be made by full Council.
- 1.11 As per Part 8, Section 210 of the Gambling Act 2005 the council will not have regard to whether a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building and any licensing decision will not constrain any later decision by the council under the law relating to planning or building.
- 1.12 The council does not have a preferred location for the new large casino. Applicants can submit proposals for any site or location within the Leeds metropolitan area and each will be judged on its own individual merits.

## **2. Application Process**

### **Stage 1**

- 2.1 The council will publish an invitation calling for applications. This invitation will be published in a trade newspaper, journal, or similar publication. It will state the latest date the application must be made and the place from which a person may obtain an application pack.
- 2.2 The part of the application pack which relates to stage 1 will include, as a minimum, the following:
  - Guidance for applicants
  - Application form for Stage 1
  - Example notices
- 2.3 With regard to stage 1 of the application process, the general principles as stated in Part C of this gambling policy will apply to all applications.

- 2.4 At stage 1 the Licensing Committee or sub-committee, will determine, if there are valid representations, which applications would be granted if they were able to grant more than one application.
- 2.5 At stage 1, the council will not consider whether any of the applications is more deserving of being granted.

## **Stage 2**

- 2.6 Should more than one applicant pass through stage 1, the process will proceed to the second stage with each successful applicant being invited to submit information about how their application would, if granted, benefit the area.
- 2.7 The part of the application pack which relates to stage 2 will include, as a minimum, the following:
- Stage 2 evaluation methodology, including scoring matrix
  - Details of current Licensing Committee
  - Details of the Advisory Panel
  - Terms of reference for Advisory Panel
  - Example Schedule 9 agreement
  - Glossary
  - Vision for Leeds 2011 to 2030
- 2.8 At stage 2, the procedure will follow the DCMS Code of Practice. However, the Code leaves individual councils to determine the detail of their own procedure.
- 2.9 The council will not bear any abortive costs of the unsuccessful applicants and their participation in all phases of the licence process is conducted entirely at the applicants' risk.

## **Advisory Panel**

- 2.10 It is recognised that the Licensing Committee does not necessarily have specialised expertise required to fully evaluate each application. It will seek professional expertise from officers of the council. Where this expertise is not available, it may seek independent expertise from outside the council.
- 2.11 For this purpose, the Licensing Committee will appoint a non-statutory panel to assist it in the evaluation of the stage 2 application process. This panel will be called the "Advisory Panel". The Advisory Panel will evaluate each application using the evaluation methodology and scoring provided in the application pack.
- 2.12 To ensure there are no conflicts of interest, applicants will be provided with a list of Advisory Panel members. Where objections are made, it will be necessary to give details of the substance of such objection. These objections will be considered by the Licensing Committee before the evaluation of stage 2 applications commence.

- 2.13 The Advisory Panel will engage in discussions with each second stage applicant with a view to the particulars of an application being refined, supplemented, or otherwise altered to maximise the benefits to the Leeds metropolitan area that would result from it (should it be granted).
- 2.14 The Advisory Panel will report its findings to the Licensing Committee. The report will be made available to the applicant before being submitted to ensure that the information provided within it is accurate. Should the applicant disagree with the evaluation, this will be noted and reported to the Licensing Committee, together with any necessary changes to the Advisory Panel's report.
- 2.15 The Licensing Committee will consider all the applications at Stage 2, and the report of the Advisory Panel. They will evaluate the proposals, in line with the principles below and determine which application, if granted, is likely to result in the greatest benefit to the area. This will involve an evaluation of the benefits and the likelihood of their delivery.
- 2.16 The Licensing Committee will instruct officers to complete negotiations on any written agreements made under Paragraph 5(3)(b) of Schedule 9 of the Act. Once the negotiations have been completed officers will report to Licensing Committee who will then grant the licence to the successful applicant and reject the remaining applications.
- 2.17 In line with paragraph 5.7.4 of the Code of Practice, in determining the principles the council intends to apply in making any determination for a casino premises licence, the council has had specific regard to the following:
- a. The financial and other contribution a second stage applicant proposes to make to the Leeds metropolitan area,
  - b. The likely effects of an application on employment, the local economy and regeneration within the authority's area,
  - c. Whether, and the extent to which, the benefits offered are pursuant to an agreement under paragraph 5(3)(b) of Schedule 9 or otherwise.
- 2.18 In line with paragraph 3.3 of the Code of Practice, in determining the principles the council intend to apply at Stage 2, it disregarded the existence of any contract, arrangement or other relationship already in place; and will
- put in place arrangements to ensure that any such contract, arrangement or other relationship does not or apparently, prejudice its ability to conduct the procedure fairly; and will
  - prepare a register of interests disclosing their interest in any contract, arrangement or other relationship with an applicant or a person connected or associated with an applicant.

### 3. Principles

- 3.1 At stage 2 the applicant will be required to state and demonstrate the benefit that they can bring to Leeds metropolitan area.
- 3.2 The council will seek to determine the greatest benefit through the following principles:

Financial	To seek to maximise the financial return to the council.
Social	To use any financial return accrued to facilitate the delivery of programmes and projects that support the Council's social and economic inclusion agenda, for the benefit of the Leeds metropolitan area.
Economic	To secure a positive and significant economic impact for the local economy through the provision of a Large Casino in Leeds.

### 4. Evaluation Criteria

- 4.1 The council will publish a detailed evaluation methodology, which includes the information applicants are required to supply to support their application, and the weight that will be placed on each criterion. This evaluation methodology will be included in the application pack.
- 4.2 Applicants should carefully examine the evaluation methodology and tailor their application accordingly to ensure that they maximise benefits in accordance with this methodology.
- 4.3 In line with paragraph 5.7.4 of the Code of Practice, and the principles stated at 16.37 of this policy, the council has selected the following criteria which they will use to evaluate and score applications:

Financial Contribution	This criterion relates to 16.33a and the first and second principles
Socio-economic	This criterion relates to 16.33b and the second and third principles
Risk and deliverability	This criterion relate to 16.33c and all three principles

#### Financial Contribution

- 4.4 The council is seeking to identify and quantify the level of financial contribution that could be secured for the Leeds metropolitan area. It is expected that the



contribution will comprise a mixture of annual payments received from the applicant and a lump sum payable upon signing of any agreements and on specified dates and/or events thereafter.

- 4.5 The financial contribution will be used by the council to establish and maintain the council administered Social Inclusion Fund (SIF) which will facilitate the delivery of programmes and projects that support the council's social and economic inclusion agenda, for the benefit of the Leeds metropolitan area.
- 4.6 The financial contribution will be evaluated in terms of its ability to fund a credible and sustainable SIF. As such a mixture of upfront and annual payments is required.
- 4.7 The scoring of financial contributions will be weighted as follows:

1.0	1.0 Financial Contribution	33%
1.1	Net Present Value of total financial offer	
1.2	Upfront capital payment paid to the council on completion of the Schedule 9 Agreement	
1.3	Net Present Value of annual cash sum offer	
1.4	Credibility of financial assumptions and offer	

- 4.8 Further detail including the information required, its format and how the submission will be evaluated can be found in the evaluation methodology included in the stage 2 application pack.

## Socio-economic

- 4.9 The council is seeking to identify and quantify the level of expected net socio-economic benefits that could be secured for the Leeds metropolitan area based on the projected gross levels applicants believe their proposals will generate.
- 4.10 The council will expect to see that the applicant has tailored its proposals specifically to the requirements of Leeds through research and detailed assessment of the physical, social, and economic position as outlined in its vision documents. These documents will be made available in the stage 2 application pack.
- 4.11 Applicants should have regard to the proposed location of the premises, regarding meeting the licensing objective which seeks to protect children and vulnerable people from being harmed or exploited by gambling. Applicants will be asked to provide information related to the area in which their proposed development is situated in their strategy and vision documents.
- 4.12 Applicants will be asked to provide information on how their development will impact on employment and training, including amongst others, graduate

training, NEETs, and vocational qualifications as well as opportunities for Leeds businesses and the local supply chain.

- 4.13 Applicants must demonstrate a firm commitment to mitigation of negative impacts and ensuring residents' safety and health is not put at risk by the large casino. Attention should be focussed on mitigation for the most vulnerable in society and for those living closest to the proposed casino and applicants must ensure that problem gambling issues do not increase in the Leeds area. Applicants must provide an assessment of the social, equality and health impacts of their proposed casino developments and provide mitigation plans to minimise and eliminate negative impacts. Applicants should also commit to supporting the ongoing monitoring of negative social, equality and health impacts of the large casino and make contractual commitments in the schedule 9 agreement on all mitigation measures proposed.

- 4.14 The scoring of the socio-economic benefits will be weighted as follows:

<b>2.0 Socio-economic</b>	<b>34%</b>
2.1 Strategy and vision for proposed development	
2.2 Economic Benefits (Gross):	
- Net contribution to local economy (including direct employment and GVA)	
- Credibility of economic assumptions	
2.3 Net social impacts	

- 4.15 Further detail including the information required, its format, data requirements and how the submission will be evaluated can be found in the evaluation methodology included in the stage 2 application pack.

### **Risk and deliverability**

- 4.16 At stage 2 the council will assess the risk and deliverability of the proposed scheme. The council will wish to consider what legal and financial assurances there are that the proposed development will be delivered within 5 years, and that the promised benefits will both materialise and be maintained. Firm evidence is required that all benefits and development proposed can be funded and a contractual obligation with penalties for non-delivery is required.
- 4.17 The application pack will include a template agreement under paragraph 5(3)(b) of Schedule 9 to the 2005 Act ('a schedule 9 agreement'). Such an agreement will be negotiated with the applicants during the stage 2 evaluation process. This agreement will include a list of the benefits proposed, along with delivery targets and details of the penalties for non-delivery. Applications where

the benefits, including delivery of the development itself, are made subject of contractual obligation and where the applicant provides damages for non-delivery are likely to receive greater weight in the evaluation process.

- 4.18 The council is aware that the casino application may form part of a wider development proposal or be a new development. A casino development with firm contractual commitment to be fully operational within a 5 year timescale with proof of funding and with meaningful payment proposed for late or non-delivery will score more highly than a casino development that is not supported by a contractual commitment and/or meaningful payments for late or non-delivery and/or proof of funding. Any part of a wider development proposal which is not directly required for the delivery of the casino will score more highly if the applicant commits to completing the wider development within a 5 year timescale, proposes meaningful payment for late or non-delivery and provides proof of funding. These commitments will be contained within the schedule 9 agreement and the five year timescale will start from the signing of the schedule 9 agreement. Applicants must demonstrate that all development proposals are credible.

- 4.19 The scoring of risk and deliverability will be weighted as follows:

<b>3.0 Risk and deliverability</b>	<b>33%</b>
3.1 Contents of the Schedule 9 Agreement	
3.2 Deliverability:	
- Financing	
- Financial Standing	
- Right to occupy the site/premises	
- Credibility of approach to implementation	

- 4.20 Further detail including the information required, its format and how the submission will be evaluated can be found in the evaluation methodology included in the stage 2 application pack along with a template schedule 9 agreement.

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