



**Notice of a public meeting of
Licensing and Regulatory Committee**

To: Councillors Orrell (Chair), Melly (Vice-Chair), Barker, D'Agorne, Galvin, Hook, Hunter, Looker, Mason, D Myers, Norman, Pearson, Warters, Wann and Wells

Date: Tuesday, 9 November 2021

Time: 5.30 pm

Venue: The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

1. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Minutes (Pages 3 - 10)

To approve and sign the minutes of the meeting held on 10 August 2021.

3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at remote meetings. The deadline for registering at this meeting is 5:00pm on Friday 5

November 2021.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast, including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

- 4. Statement of Licensing Policy report** (Pages 11 - 70)
This report advises Members of the review of the Councils Statement of Licensing Policy, the consultation undertaken and changes made as a result of the consultation and revised guidance. The report seeks a recommendation to Council that the Policy be approved and permission to publish the revised Local Area Profile.
- 5. Urgent Business**
Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Angela Bielby

Contact Details:

- Telephone – (01904) 552599
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For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

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Coronavirus protocols for attending Committee Meetings at West Offices

If you are attending a meeting in West Offices, you must observe the following protocols.

Good ventilation is a key control point, therefore, all windows must remain open within the meeting room.

If you're displaying possible coronavirus symptoms (or anyone in your household is displaying symptoms), you should follow government guidance. You are advised not to attend your meeting at West Offices.

Testing

The Council encourages regular testing of all Officers and Members and also any members of the public in attendance at a Committee Meeting. Any members of the public attending a meeting are advised to take a test within 24 hours of attending a meeting, the result of the test should be negative, in order to attend. Test kits can be obtained by clicking on either link: [Find where to get rapid lateral flow tests - NHS \(test-and-trace.nhs.uk\)](https://www.nhs.uk/conditions/coronavirus/covid-19/rapid-lateral-flow-tests/), or, [Order coronavirus \(COVID-19\) rapid lateral flow tests - GOV.UK \(www.gov.uk\)](https://www.gov.uk/order-coronavirus-rapid-lateral-flow-tests). Alternatively, if you call 119 between the hours of 7am and 11pm, you can order a testing kit over the telephone.

Guidelines for attending Meetings at West Offices

- Please do not arrive more than 10 minutes before the meeting is due to start.
- You may wish to wear a face covering to help protect those also attending.
- You should wear a face covering when entering West Offices.
- Visitors to enter West Offices by the customer entrance and Officers/Councillors to enter using the staff entrance only.
- Ensure your ID / visitors pass is clearly visible at all time.
- Regular handwashing is recommended.
- Use the touchless hand sanitiser units on entry and exit to the building and hand sanitiser within the Meeting room.
- Bring your own drink if required.
- Only use the designated toilets next to the Meeting room.

Developing symptoms whilst in West Offices

If you develop coronavirus symptoms during a Meeting, you should:

- Make your way home immediately
- Avoid the use of public transport where possible
- Follow government guidance in relation to self-isolation.

You should also:

- Advise the Meeting organiser so they can arrange to assess and carry out additional cleaning
- Do not remain in the building any longer than necessary
- Do not visit any other areas of the building before you leave

If you receive a positive test result, or if you develop any symptoms before the meeting is due to take place, **you should not attend the meeting.**

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City of York Council

Committee Minutes

Meeting	Licensing and Regulatory Committee
Date	10 August 2021
Present	Councillors Orrell (Chair), Galvin, Hook, Hunter, Melly (Vice-Chair), D Myers, Pearson, Warters and Wells
Apologies	Councillors Barker, D'Agorne, Looker, Mason, Norman and Wann

Chair's Remarks

The Chair expressed his thanks to the outgoing Chair, Cllr Mason, for his work on the committee and his proactive approach.

67. Declarations of Interest

Members were invited to declare any personal interests not included on the Register of Interests, any prejudicial interests, or any disclosable pecuniary interests that they might have in respect of business on the agenda. None were declared.

68. Minutes

Resolved: That the minutes of the meeting held on 26 April 2021 be approved, and signed by the Chair as a correct record, subject to the following amendments:

- In the list of attendees, record Cllr Melly as Vice Chair instead of Cllr Wells;
- In Minute 61, 2nd paragraph, record the Chair's thanks to Cllr Wells, the outgoing Vice Chair;
- In Minute 63, include the organisations represented by the public participants;
- In Minute 64:
 - a) record Cllr Melly as the seconder of the motion to approve Option 1, instead of Cllr D'Agorne, and
 - b) in the resolution, after '*publish in a local newspaper*', insert '*and on the council's website and social media*'.

69. Public Participation

It was reported that 7 people had registered to speak at the meeting under the Council's Public Participation Scheme.

The following spoke on Agenda Items 4 (Update on Interpretation of the Law – 'out of town' private hire licences) and 8 (Update on Taxi Vehicle Testing):

- a) Lee Ward, of ALPHA, said the reports were biased and bordered on misleading, that the Licensing department had a conflict of interest, and that the issue was about ensuring that drivers from other areas did not take bookings while in York.
- b) Mark Jennings, of STDA, queried how a private hire vehicle licensed in Leeds could provide a local service in York in view of a series of court judgements, which he detailed in his speech.
- c) Dave Lawrie, Chair of the National Private Hire and Taxi Association, pointed out that although an out of town driver could take a pre-booked fare to York it was not legal for them to stay in the city to wait for another booking, and the police were willing to support the council in enforcing this.
- d) Angie Clarkson, of UTAG, outlined the court action being taken in London regarding the activities of out of area drivers and urged York to stand up to Uber and initiate a prosecution under Section 46(i)(d) of the Local Government Miscellaneous Provisions Act 1976.
- e) Tony Green, of GMB, said that Uber were operating in breach of Section 46 of the 1976 Act. He asked why Public Protection officers were not backing the police and said that York was seen as a 'soft touch' by out of town drivers.
- f) Wendy Loveday, Chair of YPHA, said that before they had met with the council the police's legal opinion had been that Uber were operating in breach of the law. She urged Members to back police action and force a change in council policy.

Samantha Hunt, of Make It York, spoke on Agenda Item 7 (Street Trading – St Helen’s Square), supporting the request for street trading activities, which she said would provide a great welcome to the city and support local businesses without affecting established activities in the Square.

70. Update on interpretation of the law - 'Out of town' private hire licences

Members considered an information report which outlined City of York Council’s current position in relation to ‘out of town’ private hire operators and drivers, as requested at the meeting on 22 February 2021.

In summary, the position was as stated in the legal opinion reported to, and agreed by, Executive on 26 September 2019 – that, under the current law, *‘provided the three licences required (operator, driver and vehicle) have all been issued by the same licensing authority then the private hire vehicle can undertake journeys anywhere in England and Wales.’* Executive had also resolved to write to Government asking for a change in the law. The DfT had since reported that they were not minded to change the law, as opinion was divided on the matter. Regarding the police reportedly asking drivers to return to the area where they were licensed, North Yorkshire Police had now clarified their position, stating that *‘...taxi licensing matters are firmly for the local authority (or licensing authority) to deal with.’* A recent court ruling that Uber drivers were ‘workers’ of Uber meant such drivers were unlikely to be committing an offence unless Uber were so doing.

Supt. Lindsey Robson was in attendance at the meeting. She confirmed that the police’s view was unchanged and they would not be leading on enforcement nor over-ride the council’s decision. In response to Members’ questions, she stated that she was not in a position to share the legal advice obtained by the police as it was legally privileged. Officers also responded to questions, stating that:

- the council had been consistent in its position, which was based on the legal opinion of Leo Charalambides;
- the same view was now shared by Gerard Gouriet QC, as well as by the DfT;

- the legal opinion was available online as a background document to the agenda for the Executive meeting on 26 September 2019;
- Uber drivers did not 'operate' in York under the terms of the 1976 Act.

Having noted the comments made under Public Participation on this item, it was

Resolved: (i) That the contents of the report be noted.

Reason: To confirm that Members are aware of the council's position that 'out of town' private hire operators and drivers are not acting unlawfully by virtue of working in the authority area, regardless of whether or not they are also licensed by the council.

(ii) That officers draft a further letter, to be sent to the Secretary of State for Transport and copied to the Secretary of State responsible for Climate Change, expressing the committee's disappointment that the government were not minded to change the law.

(iii) That the letter be circulated to Members for information before it is sent.

Reason: In order to support York's local private hire operators and drivers.

71. Renewal of Sex Establishment Licence for The Adult Shop, 70B Gillygate, York, YO31 7EQ

Members considered an application made by Lilacgrange Limited under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3, to renew a Sex Establishment Licence at the above premises.

The Licensing Manager presented the report, confirming that consultation had been carried out correctly, that no objections had been received, and that there were no mandatory grounds to refuse the application. Potential discretionary grounds were set out in paragraph 16. Three options were available:

Option 1 – grant the renewal as requested.

Option 2 – renew the licence with modified/additional conditions.

Option 3 – refuse the application.

Members noted that there had been no changes since the licence was last approved, on 18 March 2020.

Resolved: That Option 1 be approved and a renewal of the licence be granted as requested.

Reason: Members are satisfied that there are no mandatory or discretionary grounds on which to refuse the application, and that no changes are required to the licence conditions.

72. Hackney Carriage Fares

Members received a report which asked them to consider objections to the advertised variation to the table of fares for the hire of City of York licensed hackney carriage vehicles.

The notice of variation, at Annex 1 to the report, had been published on 24 June 2021 following consideration of a request from the Hackney Carriage Associations at the committee meeting on 26 April. Two objections had been received from one hackney carriage driver, as detailed in Annex 3. Members were asked to decide whether to determine the original proposed variation at Annex 2 (Option 1) or determine to modify the variation in light of the objections (Option 2).

In response to questions from Members, officers confirmed that:

- The variation had been advertised on social media as well as in the Press, at West Offices and on the council's website, and in fact had been published twice.
- The objector's suggestion to replace the race day tariff with an all-day Tariff 2 on race days could lead to a higher charge.
- The race day tariff applied only to journeys to the racecourse.

Resolved: That Option 1 be approved, and that the variation to the table of fares proposed by the Hackney Carriage Associations be determined and be specified to come into operation from 1 September 2021.

Reason: To determine the table of fares that will apply to charges in respect of the hire of City of York's hackney carriage vehicles.

73. Street Trading - St Helen's Square

Members considered a report which sought approval to allow street trading activities to take place on St Helen's Square during the St Nicholas Fair Christmas Market, following a request from Make It York.

The council did not currently allow street trading to take place on St Helen's Square in view of its special characteristics and the potential impact on footfall congestion. During consultation on the proposal, concerns had been raised by North Yorkshire Police, Highways Regulations and St Helen with St Martin Church with regard to protest activities, other activities in the Square and potential anti-social behaviour.

Three options were presented:

Option 1 – permit street trading activities on St Helen's Square as requested, subject to the restrictions set out in paragraph 16 of the report. This was the recommended option.

Option 2 – as Option 1, but with alternative restrictions.

Option 3 – refuse to allow street trading activities on the Square.

After debate, and having noted the comments made on this item under Public Participation, it was

Resolved: That the request be refused (Option 3) and street trading activities not be permitted to take place on St Helen's Square.

Reason: In view of the detrimental effect that such activities would have upon existing uses of St Helen's Square, including civic use and the right to gather, and the effect on access of the loss of pavement space.

74. Update on taxi vehicle testing

Members considered an information report which outlined the council's vehicle testing arrangements for hackney carriage and

private hire vehicles (collectively referred to as 'taxis'), as well as the results of recent tests, and plans for further improvements.

The report set out the inspection and testing requirements in the council's Taxi Licensing Policy. Vehicle checks were carried out by a qualified MOT tester in Fleet Services; in practice, this was done annually. 'Enforcement inspections' were also undertaken whereby vehicles were randomly brought in for examination. In January 2021, Fleet Services had taken on the entire testing process with a view to making service improvements. Data since January indicated that two-thirds of vehicles were passing first time. Just over half of those that required a re-test were failing for things that should have been easily identifiable before the test. Further planned improvements to the service were listed in paragraphs 11-16 of the report.

In response to questions from Members, officers confirmed that:

- the level of testing was similar to that of other local authorities around the country;
- most of the vehicles that failed the test in York were from York.

Resolved: That the contents of the report be noted.

Reason: To confirm that Members have been informed of vehicle testing arrangements, the results of recent tests and plans for further service improvements.

Cllr K Orrell, Chair

[The meeting started at 5.30 pm and finished at 6.56 pm].

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Gambling, Licensing & Regulatory Committee 9 November 2021

Report from the Director – Environment, Transport and Planning

Gambling Act 2005 – Statement of Licensing Policy

Summary

1. This report advises Members of the review of the Council's Statement of Licensing Policy, the consultation undertaken and changes made as a result of the consultation and revised guidance.
2. The report seeks a recommendation to Council that the Policy be approved.
3. The report also seeks permission to publish the revised Local Area Profile.

Recommendations

4. That Members approve Option 1 and recommend to Council that the Policy be adopted, and authorise officers to publish the Local Area Profile.

Reason: To meet the legislative requirements of the Gambling Act 2005.

Background

5. Section 349 of the Gambling Act 2005 (the Act) requires licensing authorities to determine and publish a Statement of Licensing Policy (Policy), every three years. The Council's current Policy was approved by Full Council on the 13 December 2018 and published on 8 January 2019.
6. A revised policy must be approved by Council and be published by the 8 January 2019. The revised Policy can be found at Annex 1.

7. The Council's first policy was published in January 2007. This Policy has been fully reviewed and published on a further four occasions, January 2010, January 2013, January 2016 and January 2019.

Local Area Profile

8. The 5th edition of the Gambling Commissions Guidance to Licensing Authorities, published in September 2015, recommended that licensing authorities complete their own assessment of the local environment as a means of 'mapping out' the key characteristics of the local area. The Guidance refers to such an assessment as a Local Area Profile (profile).
9. An effective profile is likely to take account of a wide range of factors, data and information held by the licensing authority and its partners. Good profiles will increase awareness of local risks and improved information sharing, to facilitate constructive engagement with licensees and a more coordinated response to local risks.
10. The Council's first profile was produced by the Business Intelligence Hub in September 2018 on behalf of the licensing authority. This profile was published in January 2019. The Business Intelligence Hub reviewed this profile in October 2021, the reviewed profile can be found at Annex 2.

Consultation

11. A consultation took place from 12 May to 8 August 2021. A full list of consultees can be found at Annex 3.
12. One response was received to the consultation from:
 - GambleAware
13. The consultation response has been taken into consideration and the Policy revised accordingly. Full details of the response and the action taken can be found at Annex 4.

Options

14. Option 1 – approve the revised Policy and make a recommendation to Council that the Policy is adopted. Authorise officers to publish the profile.

15. Option 2 – amend the revised Policy and make a recommendation to Council that the Policy is adopted. Authorise officers to publish the profile.

Analysis

16. Revisions made to the Policy relate to relevant changes in legislation and responses to the consultation.

Current Licences and Permits in Force

17. There are currently 20 premises licences in force, which authorise the following licensable functions:
 - 1 adult gaming centre
 - 1 bingo premises
 - 1 betting premises (track)
 - 17 betting premises (other) – bookmakers
18. The number of licensed premises has reduced by a third in the last three years. Nine bookmakers and one bingo hall have surrendered their premises licences.
19. There are currently 187 premises that hold authorisations that allow the provision of gaming machines on the premises.

Council Priorities

20. The implementation of a Licensing Policy will support the Council's plan of a prosperous city for all, where local businesses can thrive and a council that listens to residents.

Implications

21. The direct implications arising from this report are:
 - (a) **Financial** – There are no financial implications.
 - (b) **Human Resources (HR)** - There are no HR implications.
 - (c) **Equalities** – There are no equalities implications.

- (d) **Legal** – It is a legal requirement of the Gambling Act 2005 that the Council is required to publish a statement of licensing policy every three years. Failure to do so would result in the licensing authority being unable to discharge its legal duty under the Act.
- (e) **Crime and Disorder** – There are no direct crime and disorder implications. However, in exercising its function under the Act the council must have regard to the licensing objectives. Licence and permit holders must also have regard to the objectives.
- (f) **Information Technology (IT)** - There are no IT implications.
- (g) **Property** - There are no property implications.
- (h) **Other** - There are no other implications.

Risk Management

22. There are no known risks associated with this report.

Contact Details

Author:		Chief Officer Responsible for the report:			
Lesley Cooke Licensing Manager 01904 551515		James Gilchrist Director – Environment, Transport and Planning			
		Report Approved	√	Date	22/10/21
Specialist Implications Officer(s)					
Wards Affected:				All	√
For further information please contact the author of the report					

Background papers

Gambling Act 2005

<https://www.legislation.gov.uk/ukpga/2005/19/contents>

Gambling Commission – Guidance to licensing authorities

<https://www.gamblingcommission.gov.uk/home.aspx>

City of York Council Statement of Licensing Policy and Local Area Profile
published in January 2019

<https://www.york.gov.uk/business-licences/gambling-act-2005/1>

Annexes

Annex 1 – Revised Statement of Licensing Policy 2022

Annex 2 – Revised Local Area Profile

Annex 3 – List of Consultees

Annex 4 – Consultation Responses

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Statement of Licensing Policy
~~2019~~ 2022

Gambling Act 2005



Further copies of this policy can be obtained from:

e-mail: licensing-unit@york.gov.uk

tel: 01904 552422542

web: www.york.gov.uk/licensing

Licensing Section
City of York Council
Eco Depot
Hazel Court
York
YO10 3DS

Field Code Changed

DRAFT

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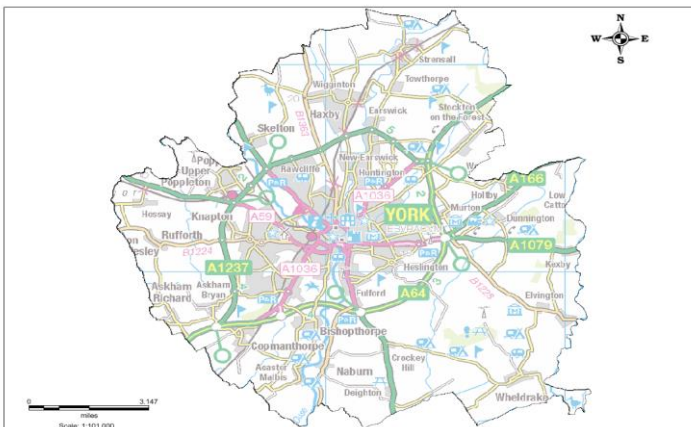
Part A

1. Introduction

- 1.1 Under Section 349 of the Gambling Act 2005 (the Act) the licensing authority is required to prepare a statement of principles which it proposes to apply when exercising their functions. This statement must be published at least every three years.
- 1.2 In exercising most of their functions under the Act, the licensing authority must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way;
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.3 Any decision taken by the licensing authority in regard to determination of licences, permits and registrations should aim to permit the use of premises for gambling in so far as it thinks it is:
- is in accordance with any relevant code of practice issued by the Gambling Commission;
 - is in accordance with any relevant guidance issued by the Gambling Commission;
 - is reasonably consistent with the licensing objectives; and
 - is in accordance with the council's statement of licensing policy.
- 1.4 The Act requires that the following parties are consulted:
- Chief Officer of Police;
 - one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
 - one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- 1.5 The council consulted widely upon this policy statement from ~~14-12~~ May to ~~12-8~~ August ~~2018~~2021.
- 1.6 The policy was approved at a meeting of the Full Council on ~~13-XX~~ December ~~2018~~2021 and was published via our website on ~~8-X~~ January ~~2019~~2022.
- 1.7 It should be noted that this statement of licensing principles 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.

2. Profile of York

- 2.1 City of York Council is a unitary authority covering an area of 105 square miles and a population of more than 208,000 (2016 ~~mid-year~~mid-year est.) which includes a small black and minority ethnic population. It comprises the urban area of York that is surrounded by many small rural and semi-rural settlements covered by parish councils.
- 2.2 York is nationally and internationally a prominent city for a range of reasons. Not only is it an historic centre for England and an important location for the Church of England, it is also one of the most visited tourist destinations in the country. York has excellent rail links across the UK with over 9-10 million passengers every year. It is also a centre of academic excellence, with around 2425,000 students making up approximately 44.512% of York's population in term time.
- 2.3 Tourism and leisure are important industries for York, attracting ~~up to over 8-7~~ million visitors a year, who spend ~~£560-765~~ million annually in the city. Over ~~18,500~~24,000 jobs ~~have been created~~ in the tourist and leisure industry sector are dependent on these visitors to our city.
- 2.4 This level of tourism can, however, present challenges to the city in balancing the requirements of residents against this economic benefits that tourism can bring.
- 2.5 As an historical centre the city has many museums and historical buildings. The city offers a wide range of premises providing entertainment activities and supplying alcohol, outstanding restaurants, licensed entertainment venues, including 3-4 cinemas and 5 theatres, numerous high quality traditional and historic public houses, and bars. Other premises, such as York Racecourse and a bingo halls, provide alcohol and entertainment as part of their overall activities.
- 2.6 City of York Council Authority Area



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3. Declaration

- 3.1 In producing the final statement, the council has had regard to the licensing objectives of the Act, the Guidance to Licensing Authorities issued by the Gambling Commission and any responses from those consulted on the statement.

4. Responsible Authorities

- 4.1 The council is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

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

- 4.2 In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates Children's Social Care for this purpose.

- 4.3 The contact details of the Responsible Authorities under the Act are available on the Councils website or from the Licensing Section.

5. Interested parties

- 5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Act 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)".

- 5.2 The council is required by regulations to state the principles it will apply in exercising its powers under the Act 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 Licensing Authorities. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected.

Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (eg an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

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

6. Exchange of Information

- 6.1 The council is required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that this council applies is that it will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act ~~1998-2018~~ will not be contravened. The council will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.
- 6.3 Should any protocols be established as regards information exchange with other bodies, then they will be made available.

7. Enforcement

- 7.1 The council is required by regulation under the Act to state the principles to be applied by the council in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 7.2 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;
 - **Targeted:** regulation should be focused on the problem, and minimise side effects.
- 7.3 The council will endeavour to avoid duplication with other regulatory regimes so far as possible.

- 7.4 The main enforcement and compliance role for the council in terms of the Act is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. Concerns about manufacture, supply or repair of gaming machines are not 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.
- 7.5 The council also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 7.6 The council's enforcement/compliance protocols/written agreements are available upon request.

8. Licensing authority functions

- 8.1 Licensing authorities are required under the Act to:
- be responsible for the licensing of premises where gambling activities are to take place by issuing premises licences;
 - issue provisional statements;
 - regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing club gaming permits and/or club machine permits;
 - issue club machine permits to commercial clubs;
 - grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres;
 - receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
 - issue licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines.
 - register small society lotteries below prescribed thresholds;
 - issue prize gaming permits;
 - receive and endorse temporary use notices;
 - receive occasional use notices;
 - provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange');
 - maintain registers of the permits and licences that are issued under these functions.
- 8.2 The council will not be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

Part B Licensing Objectives

9. Preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime.

- 9.1 The Gambling Commission will take the lead role in keeping gambling free from crime by vetting applicants for operator and personal licences. The council will have to be satisfied that the premises will not adversely affect the licensing objective and is compliant with the Commission's Guidance, codes of practice and this policy statement.
- 9.2 The council will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate, a gambling premises. As part of the application, the applicant will provide evidence to demonstrate that in operating the premises they will have regard to the licensing objective.
- 9.3 Examples of the specific steps the council may take to address this area can be found in the section covering specific premises in Part C and in relation to permits and notices in Part D of this policy.

10. Ensuring that gambling is conducted in a fair and open way

- 10.1 The Gambling Commission is the body primarily concerned with ensuring that operators conduct gambling activities in a fair and open way, except in the case of tracks.
- 10.2 The council will notify the Gambling Commission of any concerns about misleading advertising or absence of required game rules, or any other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice.
- 10.3 Examples of the specific steps the council may take to address this area can be found in the section covering specific premises in Part C and in relation to permits and notices in Part D of this policy.

11. Protecting children and other vulnerable persons from being harmed or exploited by gambling.

- 11.1 **Protection of Children** - Persons under 18 cannot be admitted to many types of gambling premises. This objective means preventing children from taking part in most types of gambling.
- 11.2 Section 45 of The Act provides the following definition for child and young person:
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.
- 11.3 Children and young persons may take part in private and non-commercial betting and gaming, but the Act restricts the circumstances in which they may participate in gambling or be on premises where gambling is taking place as follows:

- casinos, betting shops and adult gaming centres are not permitted to admit anyone under 18;
 - bingo clubs may admit those under 18 but must have policies to ensure that they do not play bingo, or play category B or C machines that are restricted to those over 18;
 - family entertainment centres and premises licensed to sell alcohol for consumption on the premises can admit under 18s, but they are not permitted to play category C machines which are restricted to those over 18;
 - clubs with a club premises certificate can admit under 18s, but they must have policies to ensure those under 18 do not play machines other than category D machines;
 - All tracks can admit under 18s, but they may only have access to gambling areas on days where races or other sporting events are taking place, or are expected to take place. Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines.
- 11.4 The council will have regard to any code of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises.
- 11.5 The council will consider whether specific measures are required at particular premises, with regard to this licensing objective. These measures may include supervision of entrances / machines, segregation of areas, etc. Examples of the specific steps the council may take to address this area can be found in the section covering specific premises in Part C and in relation to permits and notices in Part D of this policy.
- 11.6 **Protection of vulnerable people** - It is difficult to define the term 'vulnerable person'. The Gambling Commission, in its Guidance to Local Authorities, does not seek to offer a definition, but will, for regulatory purposes assume that this group includes people:
'who gamble more than they want to, people who gamble beyond their means, elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs.'
- 11.7 The Gambling Commission's Code of Practice clearly describes the policies and procedures that operators should put in place regarding:
- combating problem gambling
 - access to gambling by children and young persons
 - information on how to gamble responsibly and help for problem gamblers
 - customer interaction
 - self exclusion
 - employment of children and young persons
- 11.8 The council may consider any of the measures detailed below as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant:
- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet
 - training for staff members which focuses on an employee's ability to detect a person

who may be vulnerable and providing support to vulnerable persons

- self exclusion schemes
- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- posters and leaflets with GamCare Helpline and website displayed in prominent locations
- external advertising to be positioned or designed not to entice passersby.

11.9 It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 3, that licensees must have and put into effect policies and procedures intended to promote socially responsible gambling.

11.10 The LCCP say that licensees must make an annual financial contribution to one or more organisation(s) which between them research into the prevention and treatment of gambling-related harm, develop harm prevention approaches and identify and fund treatment to those harmed by gambling.

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Part C Premises Licences

12. General Principles

- 12.1 The council will issue premises licences to allow those premises to be used for certain types of gambling. These are:
- (a) casino premises,
 - (b) bingo premises'
 - (c) betting premises including tracks and premises used by betting intermediaries,
 - (d) adult gaming centre premises, or
 - (e) family entertainment centre premises.
- 12.2 Premises licences are subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be necessary.
- 12.3 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.
- 12.4 **Decision-making** - 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;
 - is in accordance with any relevant guidance issued by the Gambling Commission;
 - is reasonably consistent with the licensing objectives; and
 - is in accordance with the council's statement of licensing policy.
- 12.5 It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" and also that unmet demand is not a criterion for a licensing authority.
- 12.6 This Council has reviewed its constitution and scheme of delegation to officers to ensure effective implementation of the Act. The Gambling Act 2005 Committee and Sub-Committees have been set up to deal with licensing issues and the determination of applications in certain cases, ie those where representations have been made or where premises licences require review. Non contentious applications (ie those where no representations have been made) will be delegated to officers.
- 12.7 Where representations are received the council will consider whether they are relevant, vexatious, frivolous or if they would influence the council's determination of the application. The Head of Service together with the relevant Assistant Director will determine if any representation meets this criteria.
- 12.8 The council will take into consideration Gambling Commission Guidance for Licensing Authorities, Licence Conditions and Codes of Practice when determining applications for premise licences.

- 12.9 **Definition of “premises”** – In the Act, “premises” is defined as including “any place”. Section 152 therefore prevents more than one premises licence applying to any place. But a single building could 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. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, the council should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.
- 12.10 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 purposes. The council will assess entrances and exits of a premise covered by one or more licences to satisfy itself that they are genuinely separate and identifiable so that the separation of different premises is not compromised and that people do not drift into a gambling area.
- 12.11 In considering whether different areas of a building are genuinely separate premises the council will take into account factors which may include:
- do the premises have a separate registration for business rates?
 - are the premises’ neighbouring premises owned by the same person or someone else?
 - can each of the premises be accessed from the street or a public passageway?
 - can the premises only be accessed from any other gambling premises?
- 12.12 The council will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.
- 12.13 **Location** – The council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making. The council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. With regards to these licensing objectives it is the council’s policy, upon receipt of any relevant representation to look at specific location issues which include:
- the possible impact that a gambling premises may have on any sensitive premises that provide services to children or young people or vulnerable people; eg a school, vulnerable adult centre;
 - the possible impact a gambling premises may have on a residential area where there is a high concentration of families with children;
 - the nature and size of the gambling activities taking place;
 - any levels of crime in the area.
- 12.14 If refusing an application the council would need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. Since 6 April 2016, it has been a requirement of the Gambling Commission’s Licence Conditions and Codes of Practice (LCCP), under Section 10, for licensees to

assess the local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises, and have policies, procedures and control measure to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement. The local risk assessment should be kept on the individual premises and made available for inspection by an authorised officer.

12.15 The LCCP say that licensees must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstances, including those identified in this policy statement;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

12.16 The council will expect the local risk assessment to consider as a minimum:

- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;
- the demographics of the area in relation to vulnerable groups;
- whether the premises is in an area subject to high levels of crime and/or disorder.

12.17 Local risk assessments should show how vulnerable people, including people with gambling dependencies are protected.

12.18 The Council has published a 'Local Area Profile' which is available on the Councils website: <https://www.york.gov.uk/GamblingAct>.

12.19 It should be noted that this policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

12.20 **Duplication with other regulatory regimes** – The council seeks 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 conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

12.21 **Conditions** – The Secretary of State has set mandatory and default conditions and the Gambling Commission has set Licence Conditions and Codes of Practice on Operator's Licences 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.

12.22 If the council is minded to impose conditions because there are regulatory concerns of an exceptional nature, then any additional licence conditions must relate to the licensing objectives.

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

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

12.24 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should ~~it~~ be necessary, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. The council will also expect the licence applicant to offer ~~his/hor~~their own suggestions as to ways in which the licensing objectives can be met effectively.

12.25 Where certain measures are not already addressed by the mandatory/default conditions or by the applicant and there remains a demonstrable risk to the licensing objectives in the circumstances of a particular case, the council may consider licence conditions to cover issues such as:

- proof of age schemes
- CCTV
- entry controls
- supervision of entrances / machine areas
- signage / notices
- specific opening hours
- physical separation of areas
- location of entry
- requirements that children must be accompanied by an adult
- Enhance Disclosure and Barring Service checks of the applicant and/or staff
- self-barring schemes
- provision of information for organisations such as GamCare (leaflets / helpline numbers)
- measures and training for dealing with children on the premises

This list is not mandatory or exhaustive, and is merely indicative of examples of measures which may satisfy the requirements of the council and the responsible authorities to meet the licensing objectives.

12.26 It is noted that there are conditions which the council cannot attach to premises licences which are:

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

- conditions in relation to stakes, fees, winning or prizes.

12.27 The council will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

12.28 **Door Supervisors** – The council will consider whether there is a need for door supervision in terms of the licensing objectives of the protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted that the door supervisors at casinos or bingo premises are not required to be registered by the Security Industry Authority (SIA) under the Private Security Act 2001. Where door supervisors are provided at these premises the operator should ensure that any persons employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a Disclosure and Barring Service check on potential staff and for such personnel to have attended industry recognised training. Door supervisors not directly employed by a casino or bingo operator do have to be SIA registered.

13. Adult Gaming Centres (AGCs)

13.1 Under the Act a premises holding an adult gaming centre licence will be able to make category B, C and D gaming machines available for use on the premises. No one under the age of 18 is permitted to enter such premises.

13.2 The council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

13.3 Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commissions Codes of Practice or by the applicant, the council may consider licence conditions to address such issues, examples of which are provided at paragraph 12.21.

14. Licensed Family Entertainment Centres (FECs)

14.1 Licensed FECs are those premises which usually provide a range of amusements such as computer games, penny pushers and may have a separate section for adult only gaming machines with higher stakes and prizes. Licensed FECs will be able to make available unlimited category C and D machines where there is a clear segregation in place so children do not access the areas where the category C machines are located.

- 14.2 The council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 14.3 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 located 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
 - only adults are admitted to the area where category C machines are located
 - access to the area where machines are located is supervised at all times
 - 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 persons under 18.

15. Casinos

- 15.1 The Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games. 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.
- 15.2 **Number of casinos in Great Britain** – Legislation stipulates the number of casino premise licences that can be issued and the areas where they can be located. A casino will not be allowed within City of York Council Authority area until such time that there is a change in legislation.
- 15.3 **No Casinos resolution** – The council has not passed a ‘no casino’ resolution under Section 166 of the Act, but is aware that it has the power to do so. Should the council decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

16. Bingo premises

- 16.1 There is no legal definition for bingo, or a standard set of rules under which the game is played. Bingo is equal chance gaming. 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 in the Act.
- 16.2 The council is aware that children and young persons are permitted in bingo premises, but may not participate in the bingo. Where category C or above machines are available for use, these must be separated from areas where children and young persons are allowed.

16.3 Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commissions Codes of Practice or by the applicant, the council may consider licence conditions to address such issues, examples of which are provided at paragraph 12.21.

17. Betting premises

17.1 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.

17.2 **Betting machines** – Section 181 of the Act states:
“A condition of a betting premises licence may relate to –
a) the number of machines used on the premises for the purpose of making or accepting bets;
b) the nature of those machines;
c) the circumstances in which those machines are made available for use.”

17.3 When considering whether to impose a condition on a licence the council will take into account 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.

17.4 Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commissions Codes of Practice or by the applicant, the council may consider licence conditions to address such issues, examples of which are provided at paragraph 12.21.

18. Tracks

18.1 The Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place. Betting is a major gambling activity on tracks, multiple betting outlets are usually located on tracks such as ‘on-course’ betting operators who come to 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.

18.2 All tracks will require a primary betting premises licence that the track operator will hold. It should be noted that track operators do not require an operator’s 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.

18.3 Tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. This allows track venues to develop leisure facilities. The council will consider each individual case on its merits before deciding if this is necessary.

18.4 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.

- 18.5 Children and young person's will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 18.6 **Gaming machines** - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 18.7 **Betting machines** – Section 181 of the Act states:
“A condition of a betting premises licence may relate to –
a) the number of machines used on the premises for the purpose of making or accepting bets;
b) the nature of those machines;
c) the circumstances in which those machines are made available for use.”
- 18.8 When considering whether to impose a condition on a licence the council will take into account 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.
- 18.9 Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commissions Codes of Practice or by the applicant, the council may consider licence conditions to address such issues, examples of which are provided at paragraph 12.21.

19. Travelling Fairs

- 19.1 The Act defines a travelling fair as “wholly or principally” providing amusements and they must be on site that has been used for fairs for no more than 27 days per calendar year.
- 19.2 Travelling fairs have the right to provide an unlimited number of category D gaming machines and/or equal chance prize machines, without the need for a permit, as long as the gambling amounts to no more than an ancillary amusement at the fair.
- 19.3 The council will work with neighbouring authorities to ensure that land which crosses the council boundary is monitored so that the statutory limits are not exceeded.

20. Provisional Statements

- 20.1 Developers may wish to apply to the council for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 20.2 Section 204 of the Act provides for a person to make an application to the council for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

20.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

20.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

20.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The council will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account 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.

20.6 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:

- which could not have been raised by objectors at the provisional statement stage;
- which in the council's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and the council notes that it can discuss any concerns it has with the applicant before making a decision.

21. Reviews

21.1 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 on the basis of whether the request for the review is relevant to the matters listed below:

- any relevant Code of Practice issued by the Gambling Commission;
- any relevant guidance issued by the Gambling Commission;
- that it is reasonably consistent with the licensing objectives; and
- is in accordance with this authority's Gambling Act 2005 - Statement of Licensing Policy.

21.2 The request for the review will also be subject to consideration by the council as to whether the request is frivolous or vexatious; whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence or whether it is substantially the same

as previous representations or requests for review and there has been no change in circumstances.

- 21.3 The council can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

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Part D Permits / Temporary & Occasional Use Notice

22. Unlicensed Family Entertainment Centre gaming machine permits (UFECs)

22.1 UFECs are premises which provide category D gaming machines along with various other amusements such as computer games and penny pushers, but is not required to hold a premises licence. It will require a permit to be able to provide category D machines. A permit allows any number of these machines to be available at the premises, subject to other consideration such as health and safety and fire safety regulations. Given that category D machines have no age restrictions, these premises will appeal to children and young persons. Therefore, the council will give particular weight to matters relating to child protection issues.

22.2 The Act states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25.

22.3 City of York Council Statement of Principles:

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. The efficiency of such policies and procedures will each be considered on their merits. However, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises or children causing perceived problems on / around the premises. The council will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in UFECs; that the applicant has no relevant convictions (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. Gaming Machines Permits in Premises Licensed for the Sale of Alcohol

23.1 **Automatic entitlement: two machines.** 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 particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of Section 282 of the Act (ie 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 Act has been committed on the premises.

- 23.2 It should be noted that the council cannot attach conditions to this type of permit.
- 23.3 **Permit: more than two machines.** 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.*” Any determination will be made by the Head of Service in conjunction with the relevant Assistant Director.
- 23.4 The council considers “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 persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure under 18 year olds do not have access to the adult only gaming machines. Measures which may satisfy the council include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare. Compliance with the Gambling Commissions Code of Practice for Gaming Machines Permits will be a condition of any permit issued.
- 23.5 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 23.6 The council can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 23.7 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.

24. Prize Gaming Permits

- 24.1 The Act (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.
- 24.2 The Act states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.
- 24.3 City of York Council Statement of Principles:
The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. The efficiency of such policies and procedures will

each be considered on their merits. However, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises or children causing perceived problems on / around the premises. This council will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes as set out in regulations; that the applicant has no relevant convictions (as set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

24.4 In making its decision on an application for this permit the council does not need to (but may) have regard to the licensing objectives, but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

24.5 It should be noted that there are conditions in the Act by which the permit holder must comply, but that the council cannot attach conditions. 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.

24.6 Prize gaming may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.

25. Club Gaming and Club Machine Permits

25.1 A members' club or miners' welfare institute may apply for a 'Club Gaming Permit' or a 'Club Gaming Machine Permit'. A commercial club may apply for a Club Gaming Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (three machines of categories B3A, B4, C or D), equal chance gaming and games of chance as set-out in regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (three machines of categories B3A, B4, C or D). Only one category B3A machine can be sited as part of this entitlement.

25.2 To qualify for these special club permits a members club must have a 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 Royal British Legion and clubs with political affiliations.

25.3 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 it has applied;

- (b) the applicant's premises are used wholly or mainly by children and/or young person's;
- (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.

25.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced" and "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."

25.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

26. Temporary Use Notices (TUNs)

26.1 TUNs allow the use of premises, on not more ~~that~~ 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 suitable for a Temporary Use Notice, according the Gambling Commission, would include hotels, conference centres and sporting venues.

26.2 The council can only grant a TUN to a person or company holding a relevant operating licence, ie a non-remote casino operating licence.

26.3 TUNs 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, which in practice means poker tournaments.

26.4 There are a number of statutory limits as regards TUNs. The meaning of "premises" in Part 8 of the Act is discussed in the Gambling Commissions Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

26.5 In consideration whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

26.6 This licensing authority expects to object to notices where it appears that their effect would

be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

27. Occasional Use Notices (OUNs)

- 27.1 The Act provides that where there is betting on a track on eight days or fewer in a calendar year, betting may be permitted by an OUN without the need for a full premises licence.
- 27.2 The council has very little discretion as regards these notices aside from ensuring that the statutory limit of eight days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

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Appendix A

Gaming Machine Categories

Gaming machines (fruit machines, slot machines) fall into categories depending on the maximum stake and prize available:

Machine Category	Maximum Stake (from January 2014)	Maximum Prize (from January 2014)	Allowed Premises
A	Unlimited	Unlimited	Regional Casino
B1	£5	£10,000 (with the option of a maximum £20,000 linked progress jackpot on a premises basis only)	Large Casino, Small Casino, Pre-2005 Act Casino and Regional Casinos
B2 (also known as fixed odds betting terminals – FOBT's)	£1002	£500	Betting premises and tracks occupied by pool betting and all of the above
B3	£2	£500	Bingo premises, adult gaming centre and all of the above
B3A	£2	£500	Members' club or Miners' welfare institute only
B4	£2	£400	Members' club or Miners' welfare club, commercial club and all of the above
C	£1	£100	Family entertainment centre (with Commission operating licence), qualifying alcohol licensed premises (without additional gaming machine permit), qualifying alcohol licensed premises (with additional LA gaming machine permit) all of the above
D money prize	10p	£5	Travelling fairs, unlicensed (permit) family entertainment centre and all of the above
D non-money prize (other than crane grab machine)	30p	£8	All of the above
D non-money prize (crane grab machine)	£1	£50	All of the above
D combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)	All of the above
D combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)	All of the above

Appendix B

Useful Publications and Tools

The Local Government Association, in conjunction with Public Health England, has published guidance for local authorities with regards to tackling gambling related harm. The guidance can be found on their website:

www.local.gov.uk/publications/tackling-gambling-related-harm-whole-council-approach

The Association of Directors of Public Health Yorkshire and Humber have published a framework to reduce gambling harms and it is designed as a practical aid for local authorities in addressing the issue. The framework can be found on their website:

www.yhphnetwork.co.uk/

GambleAware have published interactive maps which are designed for use by local authorities. The maps show the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and reported demand for, treatment and support for gambling harms. The interactive maps can be found on their website:

www.begambleaware.org/gambleaware-gb-maps

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Appendix C

Useful Contacts

Gambling Commission

Website - www.gamblingcommission.gov.uk/
 Tel - 0121 2306666
 Email - info@gamblingcommission.gov.uk
 Address - Gambling Commission
 Victoria Square House
 Victoria Square
 Birmingham
 B2 4BP

National Gambling Helpline - 0808 8020133

GambleAware

Website - www.begambleaware.org/
 Email - info@gambleaware.org
 Address - GambleAware
 Pennie Place
 2a Charing Cross Road
 London
 WC2H 0HF

GamCare

Website - www.gamcare.org.uk/
 Tel - 020 7801 7000
 Email - info@gamcare.org.uk
 Address - GamCare
 1st Floor
 91-94 Saffron Hill
 London
 EC1N 8QP

NHS- help for problem gambling

Website - www.nhs.uk/live-well/healthy-body/gambling-addiction/

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Advisory Broad for Safer Gambling

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Website - www.gamblingcommission.gov.uk/absq

Citizens Advice

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Website - www.citizensadvice.org.uk/

Adviceline (England) - 0800 1448848

Support Victims in North Yorkshire

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Website - www.supportingvictims.org/support-services/gambling/

Tel - 0808 1689293

York Nightline (Students)

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Website - www.yorknightline.org.uk/gambling

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Tel - 01904 323735

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Email - listening@york.nighline.ac.uk

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Business Intelligence Hub

Gambling Act 2005 Local Area Profile York

Author: Business Intelligence Hub
Date: 07/10/2021

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1. Introduction

Local authorities are responsible for processing applications related to gambling premises. The Gambling Act 2005 encourages the consideration of licences, should they meet the three main licensing objectives; which are:

- a) prevent gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- b) ensure that gambling is conducted in a fair and open way
- c) protect children and other vulnerable persons from being harmed or exploited by gambling

Local authorities have no legal requirement to create local area profiles; however, they can be seen as a useful tool when it comes to carrying out assessments on a local area. Local area profiles display relevant information regarding certain topic areas/policies, in this case the Gambling Act 2005. In order for the profile to be most effective, the content must be relevant - key characteristics relating to the specific area/policy can increase awareness of issues within the local area that can be connected to that specific policy.

Using a gambling related local area profile helps present useful information to the local authority that highlights potential and current issues within the local area. The highlighted issues should be considered before any gambling related decisions are made, such as authorising premise licences. Adhering to the licensing objectives is something that the local area profile contributes towards. This local area profile will look at York's resident information such as areas of deprivation, crime and disorder and how they can relate to gambling, as well as how these factors can help identify and inform current and potential gambling related risks within the local area.

The general aims of the following Gambling Act 2005 local area profile are:

- a) to identify the areas within the City of York mostly likely to be at risk of gambling related harm, which may help to identify possible persons who could be at risk of gambling related harm*
- b) to provide sufficient and relevant information to inform local authorities where current and potential gambling related issues are present so controls and measures can be put in place to minimise these issues/risks*
- c) to inform the local authority of information relevant to York in order to provide a footing for the decision making process in gambling contexts*

2. York Open Data

York Open Data is a platform created by the City of York Council which holds over 1000 different datasets, all of which are related to the City itself. All of the information is available for the public to access and manipulate. The ranges of datasets on the platform are vast, some of which have helped with the creation of this profile; particularly the York Profile and individual Ward profiles.

3. York Information

York is part of the Yorkshire and Humber region and a City within North Yorkshire. York and its unitary local authority (City of York Council) provide local council services to around 210,000 residents over an area covering and estimated 105 square miles. The City is made up by 21 Wards, all of which have their own Councillor(s).

The student population in York is a huge contributor to York's overall population with 22,643 full time students between the two Universities in York, The University of York and York St. Johns University (2011 Census). York is a popular tourist destination with vast amounts of visitors both from the UK and from overseas. The City is easily accessible, with York seen as a major railway centre frequently providing services to and from all corners of the UK. Visitors from overseas are able to access the city with ease due to the rail service from Manchester Airport and Leeds Bradford Airport just a 30 mile road journey.

3.1 Hostels/Supported Housing & Drug/Alcohol Facilities

Within the 21 York Wards there are 5 hostels, all catering for different groups of people. Fishergate has 2 hostels within its Ward, similarly with Guildhall Ward who also has 2, with Holgate Ward being responsible for 1.

In addition to this, York has a Drug and Alcohol Service which provides help for individuals, families and local communities with issues involving substance misuse. This particular service can be found on Blossom Street, within the Micklegate Ward.

3.2 Education

Understanding and being aware of the whereabouts of educational facilities should be instrumental in regards to making gambling related decisions, particularly in terms of gambling premises, as children are seen as a vulnerable group of people in gambling terms. The table below shows the schools which are in the catchment area of each Ward and alongside is the licensed gambling premises in that Ward (excluding alcohol licensed premises with gaming machine & club gaming and pub gaming licenses).

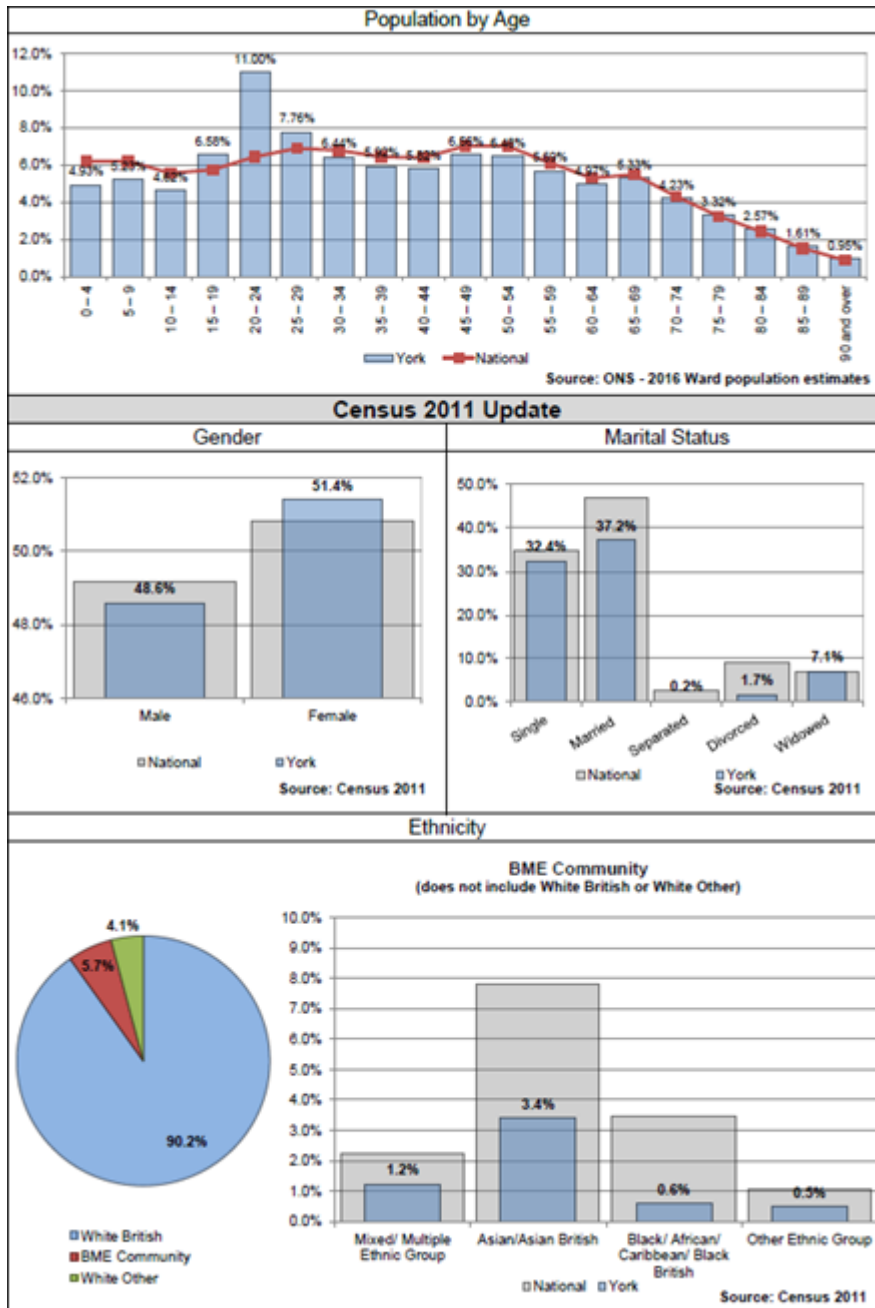
Ward	Schools in catchment area		Licensed Premises		
	Primary	Secondary	Betting Shops	Adult Gaming	Bingo
Acomb	3	2	1	0	0
Bishopthorpe	3	2	0	0	0
Clifton	2	1	2	0	1
Copmanthorpe	1	1	0	0	0
Dringhouses and Woodthorpe	4	2	0	0	0
Fishergate	2	2	0	0	0
Fulford and Heslington	3	1	0	0	0
Guildhall	6	4	6	1	0
Haxby and Wigginton	3	1	1	0	0
Heworth	5	2	1	0	0
Heworth Without	1	1	0	0	0
Holgate	7	2	0	0	0
Hull Road	5	2	1	0	0
Huntington and New Earswick	5	2	0	0	0
Micklegate	4	1	1 & 1 betting track	0	0
Osbalwick and Derwent	4	3	0	0	0
Rawcliffe and Clifton Without	5	2	0	0	0
Rural West York	7	3	0	0	0
Strensall	3	1	0	0	0
Westfield	4	1	4	0	0
Wheldrake	4	1	0	0	0

4. Demographics

4.1 Demographic profile

The York Open Data platform creates demographic York profiles on a quarterly basis – it has the ability to do this by using both Census information (most recently 2011) and Office for National Statistics (ONS) estimates. The York profile on the platform provides information relating to population, households, economy and health just to name a few. York has 211,012 residents, 51.4% female and 48.6% male – percentages which are consistent with the whole of North Yorkshire. York residents include 5.7% from a black and minority ethnic community group, 83.9% are in good health, with 15.4% stating that they have some limitation in day to day activities.

York Profile Population Breakdown



The most recent population estimate carried out by the ONS (2020) estimates York's population to be 211,012, with 107,370 (50.9%) females and 103,642 (49.1%) males. This is consistent on a larger scale with the overall percentage figures for North Yorkshire.

More information on York Ward Profiles can be found on the York Open Data web page here: <https://data.yorkopendata.org/dataset/york-ward-profiles-2021-22-q1>

4.2 Index of Multiple Deprivation

The City of York has low levels of deprivation in comparison to other districts in the Index of Multiple Deprivation (IMD). The IMD provides a measure for deprivation in small areas (Lower Super Output Areas (LSOAs)). To measure an areas' deprivation level, seven factors with their individual weights (%) are considered in order to create the IMD:

- Income Deprivation (22.5%)
- Employment Deprivation (22.5%)
- Education, Skills and Training Deprivation (13.5%)
- Health Deprivation and Disability (13.5%)
- Crime (9.3%)
- Barriers to Housing and Services (9.3%)
- Living Environment Deprivation (9.3%)

Information relating to each individual factor is gathered and ranked before they are all combined to create an overall IMD score. Once each individual area has been scored, they are ranked – York is ranked 267 out of 317 lower tier local authority districts on average IMD score (1 is most deprived) so York is the 51st least deprived district in England. York has risen 17 places in the rankings since 2015 when it was the 68th least deprived district.

York is the least deprived upper tier local authority out of 15 in the Yorkshire and Humber region based on 2019 average IMD score. This is the same regional ranking as in 2015.

In 2019 York is the second least deprived lower tier local authority out of 21 in the Yorkshire and Humber region based on 2019 average IMD score. This is the same regional ranking as in 2015. (Harrogate is the least deprived district in the Yorkshire and Humber Region).

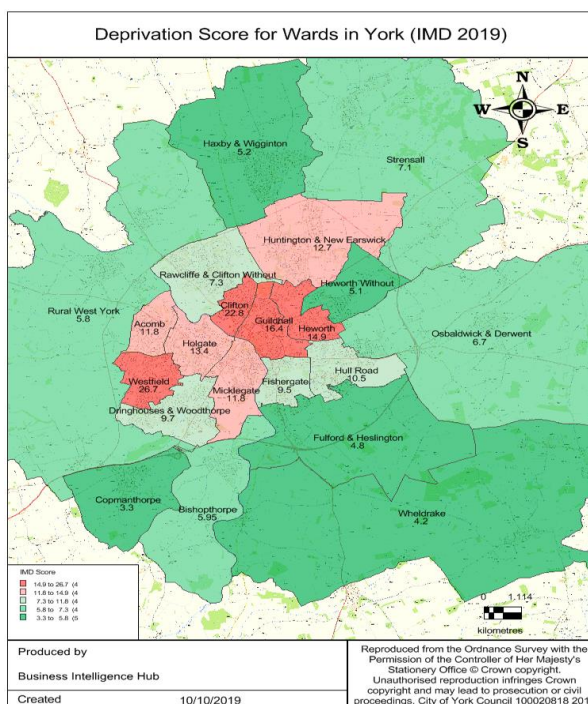
In 2019 York has 1 LSOA falling in the most deprived 10% (decile) nationally and 41 LSOAs falling in the least deprived decile nationally. About a third of LSOAs in York fall in the least deprived decile nationally. York has 6 LSOAs falling in the most deprived 20% (quintile) nationally and 62 LSOAs in the least deprived quintile nationally. About half of LSOAs in York fall in the least deprived quintile nationally.

4.3 York areas of deprivation

The map and table below shows all of the York Wards and their most recent IMD score, as well as previous year's scores.

Indices of Multiple Deprivation 2015: York Wards

Ward	2015	2019
	IMD score	IMD score
Acomb	12.19	11.76
Bishopthorpe	5.4	5.87
Clifton	24.7	22.79
Copmanthorpe	2.43	3.29
Dringhouses & Woodthorpe	9.64	9.65
Fishergate	9.14	9.5
Fulford and Heslington	5.29	4.77
Guildhall	18.74	16.38
Haxby and Wigginton	4.76	5.25
Heworth	15.81	14.92
Heworth Without	5.53	5.09
Holgate	14.08	13.36
Hull Road	13.02	10.51
Huntington and New Earswick	12.39	12.67
Micklegate	15.64	11.8
Osbalwick and Derwent	6.87	6.67
Rawcliffe and Clifton Without	7.48	7.3
Rural West York	6.67	5.83
Strensall	7.85	7.14
Westfield	25.8	26.66
Wheldrake	4.6	4.16

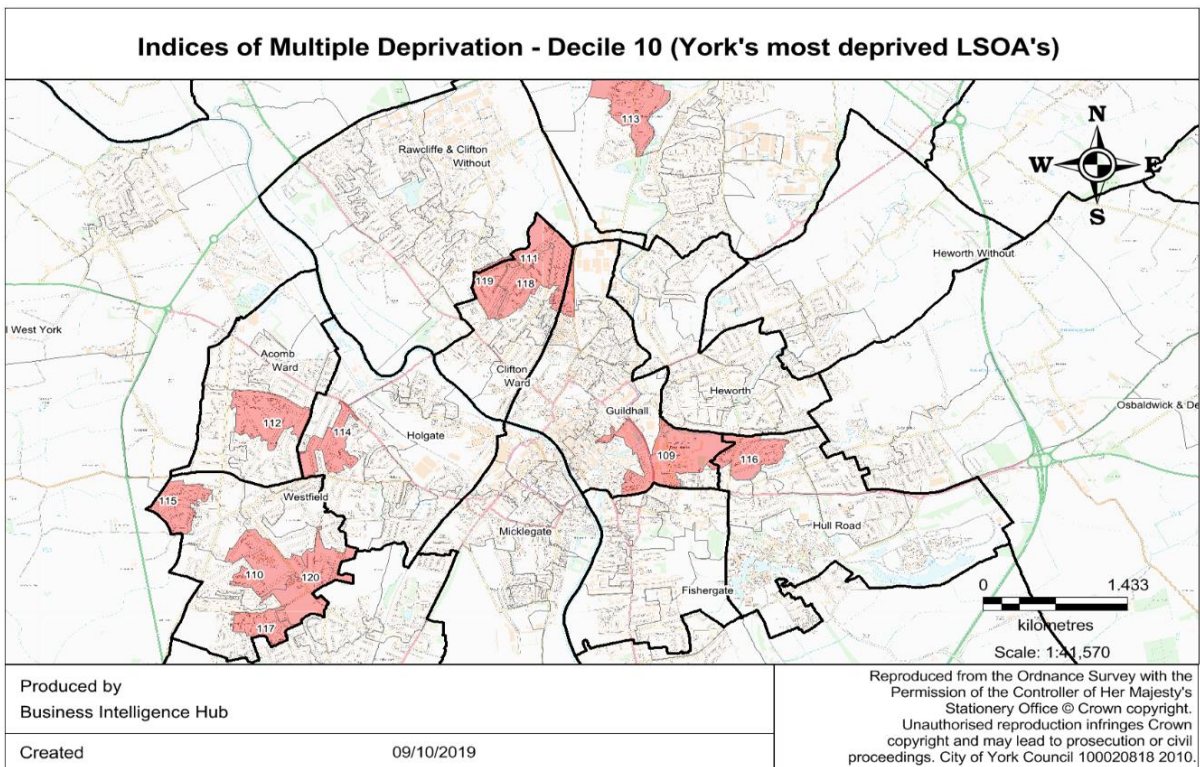
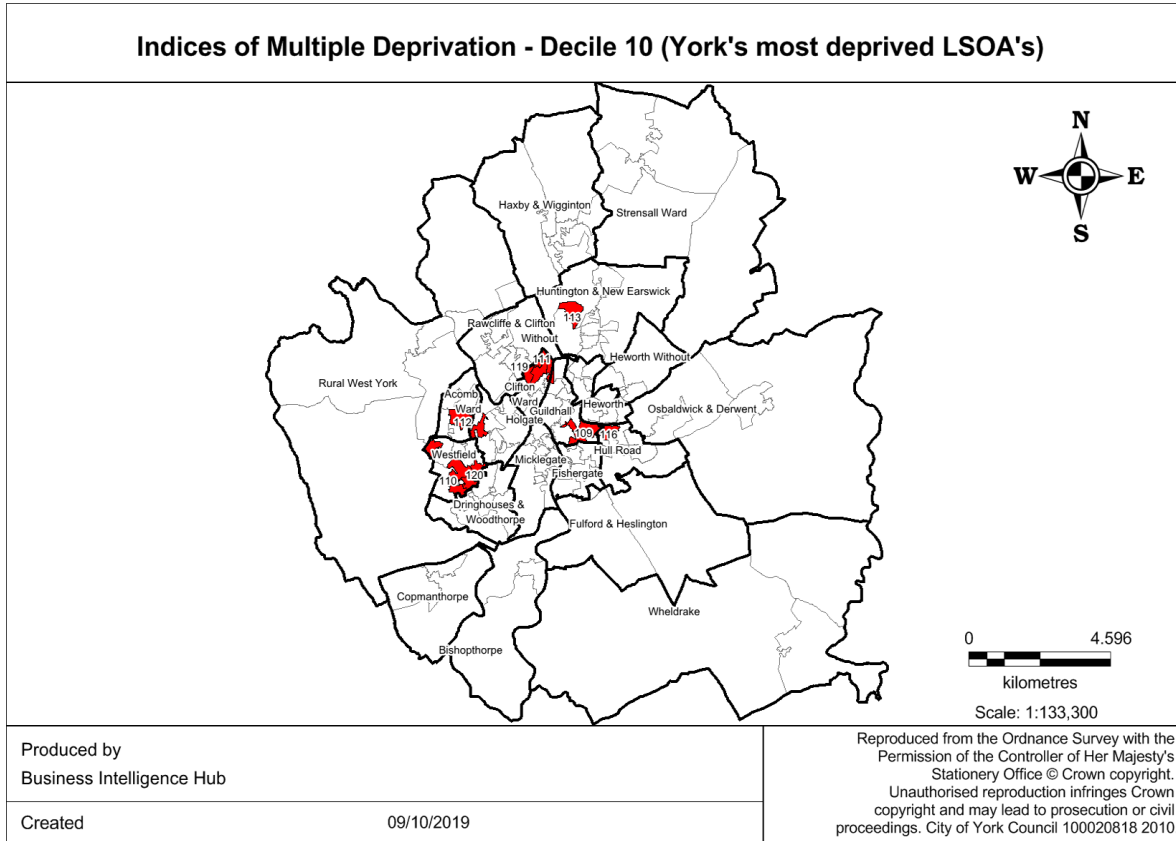


From the above information, it shows Westfield, Clifton and Guildhall to be the most deprived Wards in York. Westfield contains 1 LSOA that features in the most deprived 10% nationally. York has a further 5 LSOAs which are present in the most deprived 20% nationally – 2 LSOAs in Clifton, 2 LSOAs in Westfield and 1 LSOA in Hull Road.

As of the 2019 IMD, these are the 10 LSOAs in York with the greatest deprivation levels:

LSOA

1. York 018B Westfield (E01013443)
2. York 009D Clifton (E01013349)
3. York 009C Clifton (E01013347)
4. York 018F Westfield (E01013448)
5. York 015C Hull Road (E01013399)
6. York 018C Westfield (E01013444)
7. York 016B Holgate (E01013394)
8. York 004D Huntington & New Earswick (E01013410)
9. York 012A Acomb (E01013335)
10. York 009E Clifton (E01013350)

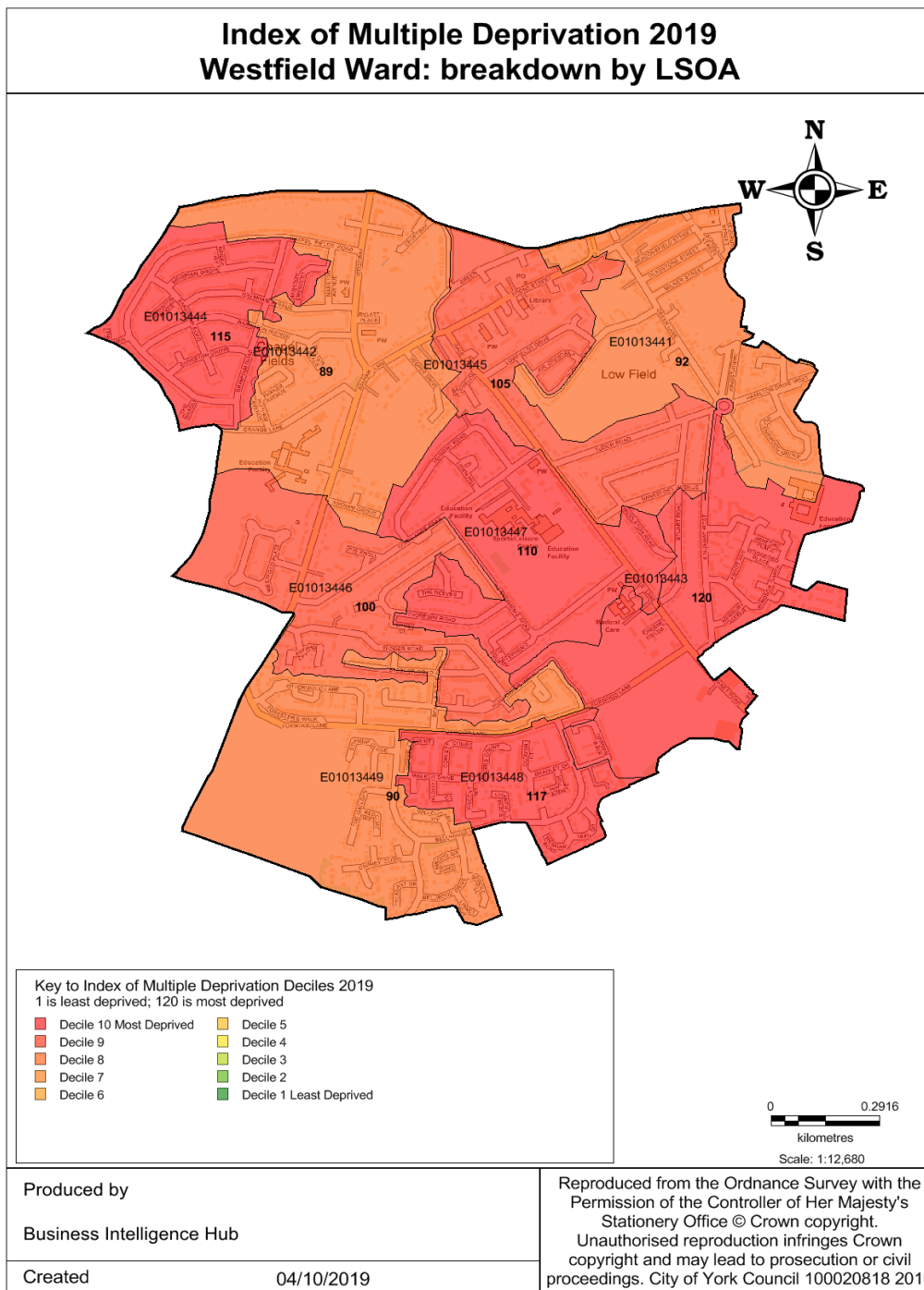


Westfield has 14,171 residents with 3.1% from a black and minority ethnic community group. 78.9% are in good health, with 18.8% stating that they have some limitation in day to day activities.

Westfield Ward holds 3 LSOAs out of the 10 most deprived LSOAs in York:

1. York 018B Westfield (E01013443)
2. York 018F Westfield (E01013448)
3. York 018C Westfield (E01013444)

This includes 1 LSOA ranked in the most deprived 10% nationally - York 018B Westfield (E01013443) & 2 LSOAs ranked in the most deprived 20% nationally - York 018F Westfield (E01013448) & York 018C Westfield (E01013444).

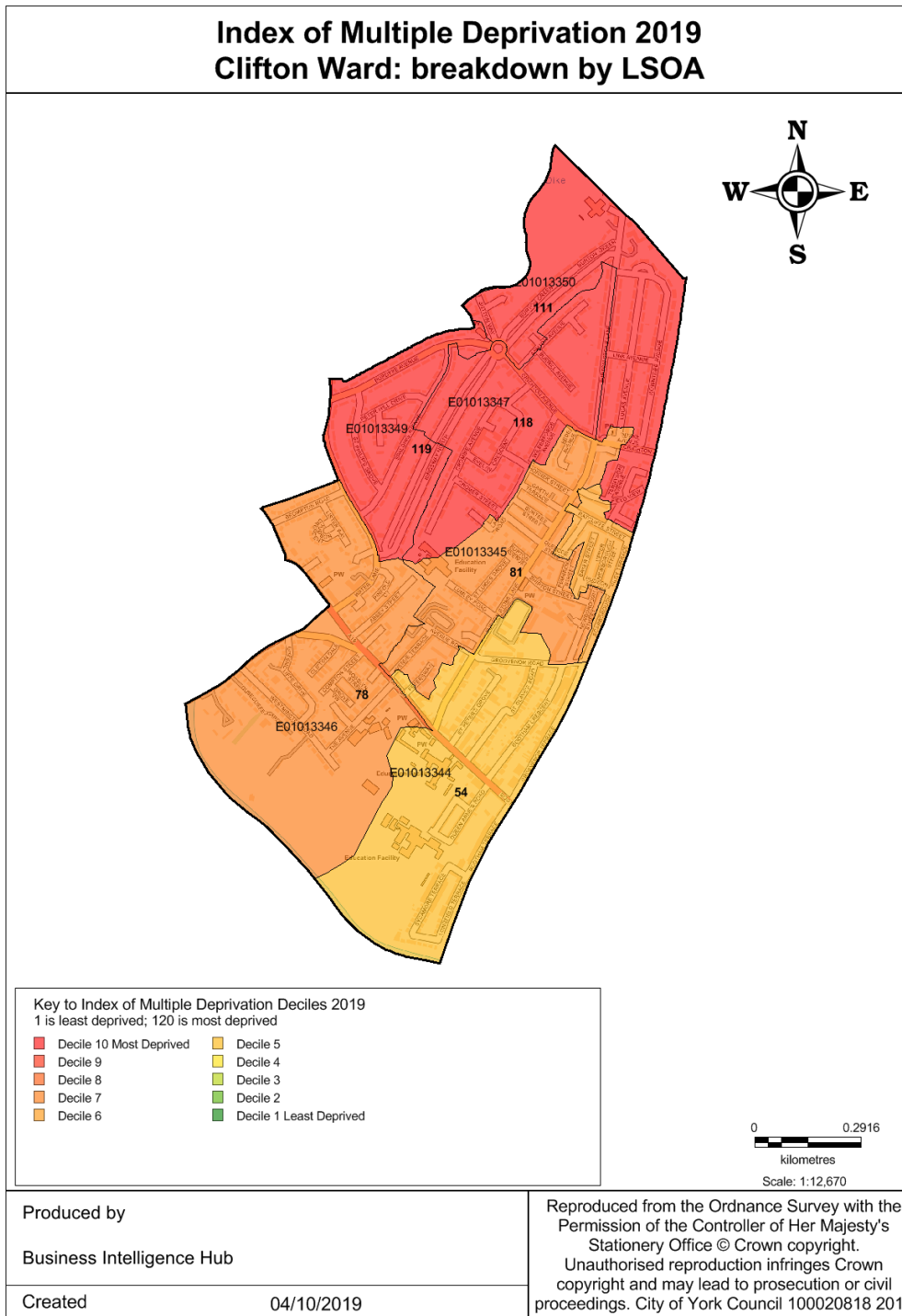


Clifton has 10,007 residents with 7.8% from a black and minority ethnic community group. 83.5% are in good health, with 15.2% stating that they have some limitation in day to day activities.

Clifton Ward holds 3 LSOAs out of the 10 most deprived LSOAs in York:

1. York 009D Clifton (E01013349)
2. York 009C Clifton (E01013347)
3. York 009E Clifton (E01013350)

Two these LSOAs are ranked in the most deprived 20% nationally - York 009D Clifton (E01013349) & York 009C Clifton (E01013347).

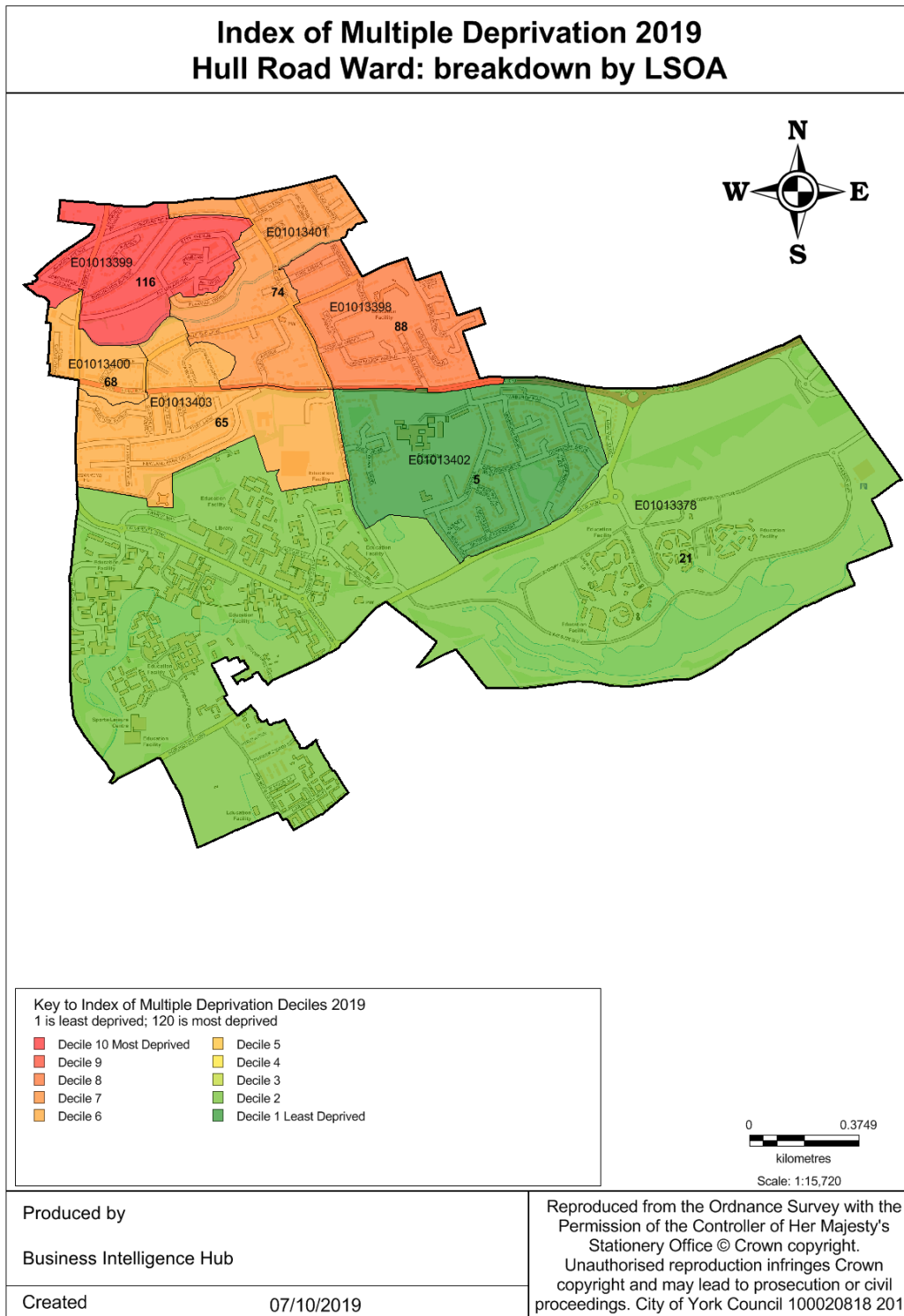


Hull Road has 15,055 residents with 15.1% from a black and minority ethnic community group. 88.9% are in good health, with 10.2% stating that they have some limitation in day to day activities.

Hull Road Ward holds 1 LSOA out of the 10 most deprived LSOAs in York:

1. York 015C Hull Road (E01013399)

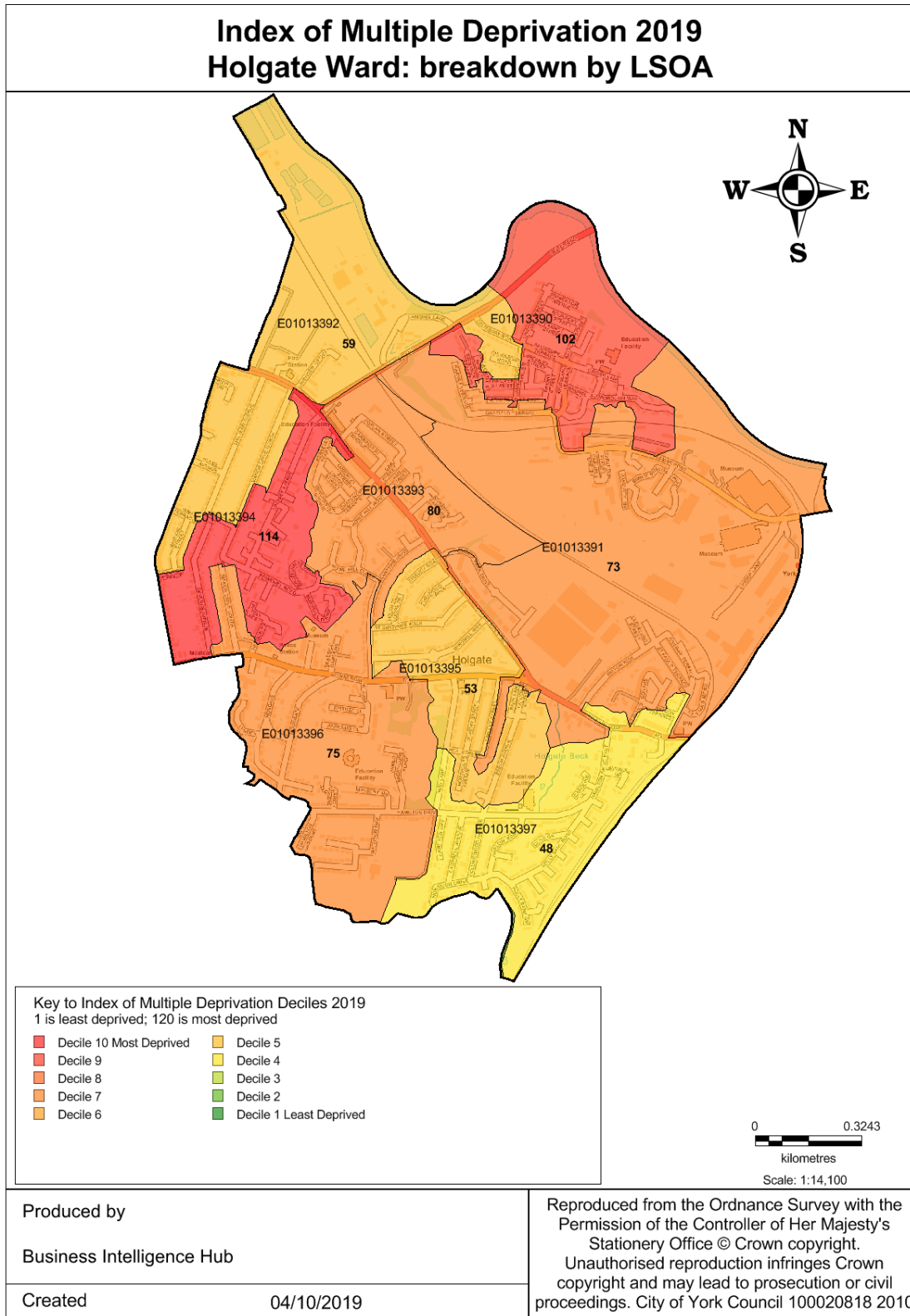
This LSOA is ranked in the most deprived 20% nationally – York 015C Hull Road (E01013399).



Holgate has 12,786 residents with 3.8% from a black and minority ethnic community group. 84.3% are in good health, with 14.0% stating that they have some limitation in day to day activities.

Holgate Ward holds 1 LSOA out of the 10 most deprived LSOAs in York:

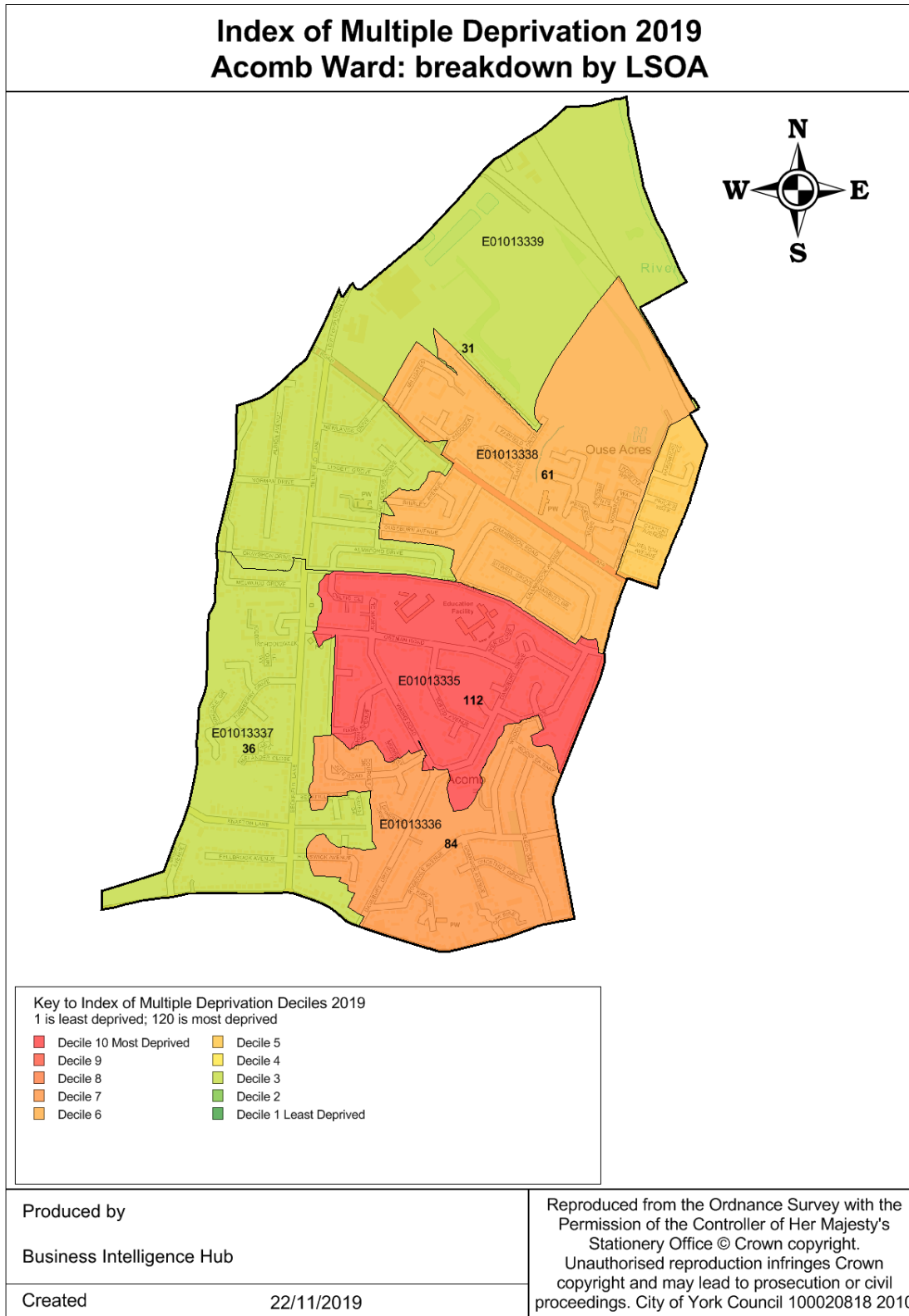
1. York 016B Holgate (E01013394)



Acomb has 9,269 residents with 2.2% from a black and minority ethnic community group. 82.2% are in good health, with 17.1% stating that they have some limitation in day to day activities.

Acomb Ward holds 1 LSOA out of the 10 most deprived LSOAs in York:

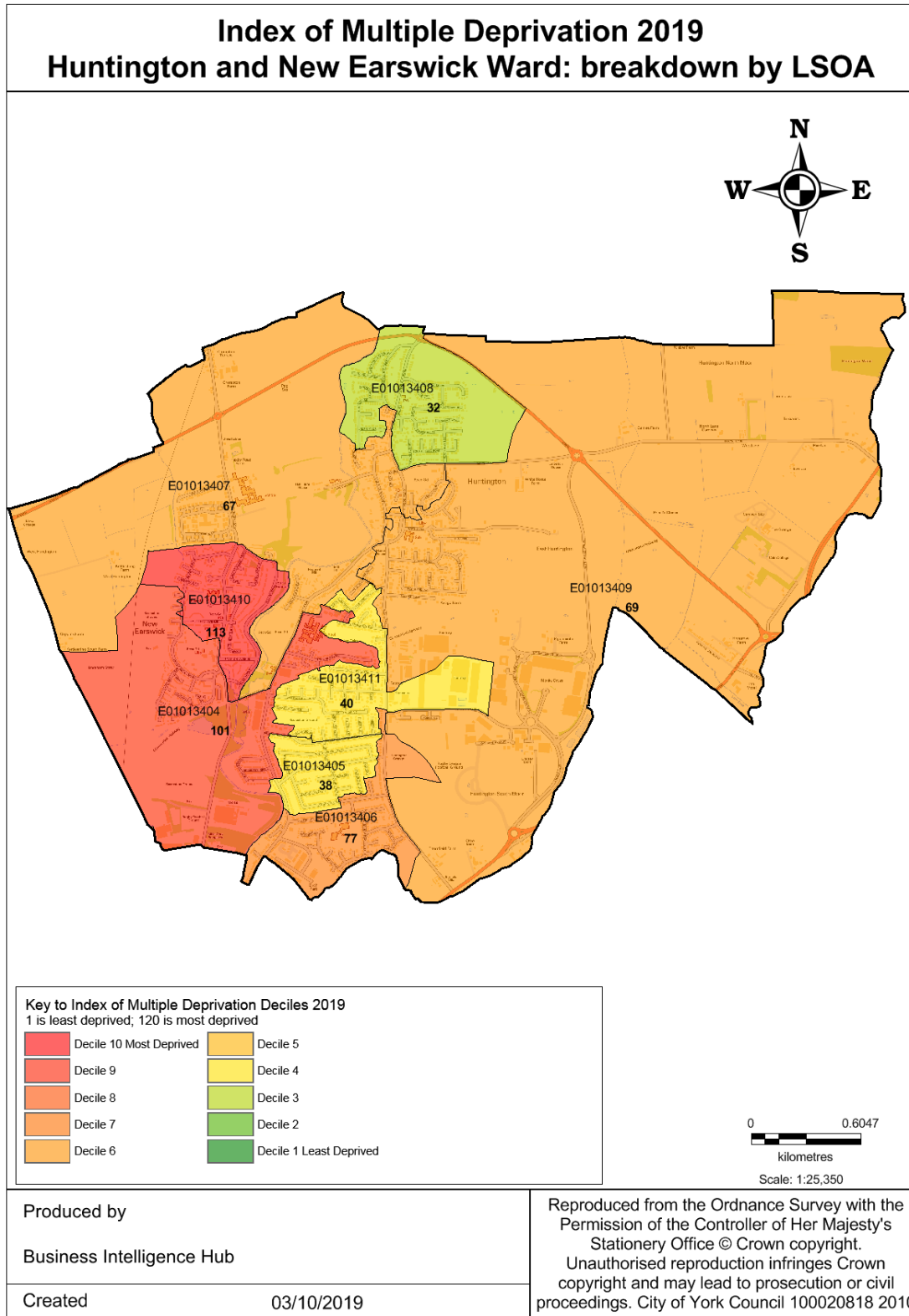
1. York 012A Acomb (E01013335)



Huntington and New Earswick has 12,698 residents with 2.4% from a black and minority ethnic community group. 79.3% are in good health, with 21.1% stating that they have some limitation in day to day activities.

Huntington & New Earswick holds 1 LSOA out of the 10 most deprived LSOAs in York:

1. York 004D Huntington & New Earswick (E01013410)



5. Crime and Disorder

The City of York Council works alongside North Yorkshire Police in an attempt to combat and reduce crime in the local area. In the year ending March 2021, in comparison to areas which are classed as similar to York, the rate of crime in York was lower than the average crime rate of those areas. Despite this, within that particular time frame, the crime rate in York was greater than the average crime rate of other places covered by the North Yorkshire Police Force.

Below is a breakdown of the reported crime in York – year ending March 2021.

Offence	Number of offences - 12 months ending		% change (+/-)
	31-Mar-20	31-Mar-21	
All other theft offences	1206	708	-41.29%
Bicycle theft	727	527	-27.51%
Criminal damage and arson	1444	1284	-11.08%
Domestic Burglary	523	336	-35.76%
Drug offences	477	496	3.98%
Homicide	0	1	0.00%
Miscellaneous crimes against society	204	205	0.49%
Non-domestic burglary	340	157	-53.82%
Possession of weapons offences	86	91	5.81%
Public order offences	904	983	8.74%
Robbery	75	81	8.00%
Sexual offences	507	386	-23.87%
Shoplifting	1726	1007	-41.66%
Theft from the person	225	37	-83.56%
Vehicle offences	601	392	-34.78%
Violence with injury	1766	1466	-16.99%
Violence without injury	2768	2801	1.19%
Total	13579	10958	-19.30%

Source: iQuanta

5.1 Crime and gambling

In Great Britain, in 2020 42% of people agreed with the statement that gambling was associated with criminal activity, which is comparable with the figure reported in 2019 (43%), just over a 1% decline on the previous year (Gambling Commission 2020).

In the year ending December 2020 (ONS 2020), in England and Wales the types of crime that people predominantly associate with gambling are theft to continue gambling (24.5%), fraud (6.0%), drug dealing/trafficking/prostitution (3.4%) and money laundering (1.9%).

In comparison to this, 29% of people in Great Britain agree that gambling is fair and can be trusted, just over a 4% decline on the 2017 figures (Gambling Commission 2020).

The above statements and figures suggest that people's perceptions of gambling are deteriorating, with an increase of people with negative perceptions and a decline of positive perceptions – indicating that gambling related crime is arguably a growing problem in Britain. The rates of crime have very marginally decreased in York from the previous 12 months due to the coronavirus pandemic. Despite this, York's crime contribution to North Yorkshire's overall crime number has decreased from 32.6% year ending March 2020 to 29.6% year ending March 2021.

6. Gambling

6.1 Gambling premises

Similar to the majority of towns and cities in the UK, there are numerous premises where gambling is present in York, such as high street bookmakers (betting shops), bingo premises, arcade premises and pubs/clubs who hold permits for gaming or machines. In addition to this, York is home to York Racecourse which is the 3rd biggest horse racing track in Britain in terms of prize money and hosts up to 350,000 visitors per year. A breakdown of the gambling premises currently known to York can be found below – including all different types of premises that are present.

City of York Council Gambling Premises & Count		
Premise Type		Count from 05/10/21
Bingo venues		1
Betting shops		17
Adult gaming centres		1
Family Entertainment Centres		
	Licensed	N/A
	Permitted	N/A
Betting tracks		1
Casinos		0
Total		20

Source: Gambling Commission

As the table above shows, there are plenty of opportunities to gamble within York. With there being many opportunities available, there are risks that become apparent. There are many risks associated with gambling, whether it be personal risk such as debt or crime or risk on a larger scale, to the extent where families and relationships are affected, jobs are lost and potentially homes, all as a result of uncontrolled gambling.

In relation to this local area profile and the Gambling Act 2005, identifying areas/persons at risk of being harmed or exploited by gambling is a priority. Problem gamblers are not the only ones who can experience gambling related harm – this could relate to family members, friends, employers, the community as well as the individual.

Identifying a problem gambler is difficult as there are no specific criteria to identify a person. The gambling commission does not define a vulnerable person in the context of a problem gambler.

6.2 Gambling statistics

From the latest gambling participation and problem gambling reports (year to June 2021), there were several key findings:

- Overall participation in any gambling activity (in the last four weeks) has fallen to 42% (a 3.5% decrease compared to June 2020).
- Online gambling participation rate is 25% (a 3% increase compared to June 2020)
- Whilst in person participation is down to 24% (an 8% decrease compared to June 2020). It should be noted that much of the online increase can be explained by increasing proportions of respondents playing National Lottery draws online.
- The overall problem gambling rate is statistically stable at 0.4%.
- The moderate risk rate has decreased significantly to 0.7% (a significant 0.7% decrease compared to June 2020).

The most recent gambling participation and perceptions report was published in year December 2017. Key statistics and findings below:

- 45% of people have gambled in the past four weeks (including National Lottery play) (a 3% compared to December 2016)
- 18% of people have gambled online in the past four weeks (a 1% increase compared to December 2016)
- 1% of people who have gambled, have played on machines in a bookmakers in the past four weeks (No change compared to December 2016)
- 0.8% of all respondents identified as problem gamblers, and 3.9% identified as at-risk gamblers.
- 51% of online gamblers did so using a mobile phone or tablet (an 8% increase compared to December 2016)
- On average, online gamblers held 4 accounts each (an increase of 1 compared to December 2016)
- 6% of gamblers have ever self-excluded (No change compared to December 2016)
- 26% of gamblers follow gambling companies on social media (a 6% decrease compared to December 2016)
- 33% of people think gambling is fair and can be trusted (a 1% decrease compared to December 2016)
- 41% of people think that gambling is associated with crime (a 2% percent increase compared to December 2016)

7. Sources of Data

1. York Open Data – York Profile <https://data.yorkopendata.org/dataset/york-profile>
2. York Open Data – Ward Profiles
https://data.yorkopendata.org/dataset?sort=metadata_modified+desc&tags=ward+profiles
3. Statistics on gambling participation and problem gambling – Annual Report June 2021 (Gambling Commission)
4. Gambling participation in 2017: behaviour awareness and attitudes – Annual Report Feb. 2018 (Gambling Commission)
5. Office for National Statistics (ONS) <https://www.ons.gov.uk/>
6. Civica – City of York Council

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Consultees 2021

<ul style="list-style-type: none"> • BACTA • Gamcare • Gamblers Anonymous UK • GambleAware • Responsible Gambling Strategy Board • Gambling Therapy organisation • Gambling – York Nightline • Health Watch North Yorkshire • Association of British Bookmakers • British Bingo Association • National Casino Forum • Racecourse Association • Horserace Betting Levy Board • HM Revenue & Customs • British Beer & Pub Association • York City Branch CIU • Yorkshire & Humber TUC • York CVS • York & North Yorkshire Chamber of Commerce • York Citizens Advice Bureau 	<ul style="list-style-type: none"> • Clifton Moor Business Association • Vangarde Shopping Park • York Designer Outlet • Coppergate Centre • Federation of Small Businesses • York Professionals • Make it York • York Retail Forum • BID • Gambling Commission • North Yorkshire Police • North Yorkshire Fire & Rescuse Service • City of York Council Public Protection • City of York Council Public Health • City of York Council Children Services • City of York Council Adult Services • City of York Council Development Control • Ward Councillors • Parish Councils • Premises Licence Holders
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**Gambling Licence Policy 2022
Consultee Responses**

	RESPONDENT DETAILS	COMMENTS	ACTION TAKEN
1.	Natalie Simpson Company Secretary GambleAware	<p>Thank you for consulting us on your draft Statement of Principles under the Gambling Act 2005.</p> <p>Due to resource constraints on a small charity, we are not able to offer specific feedback on your policy. However, you may find GambleAware’s recently published interactive maps useful, which have been designed for use by local authorities. The maps show the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and reported demand for, treatment and support for gambling harms.</p> <p>GambleAware also strongly commends two publications by the Local Government Association which set out the range of options available to local authorities to deal with gambling-related harms using existing powers:</p> <ul style="list-style-type: none"> • https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach • https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales <p>GambleAware is also fully supportive of local authorities which conduct an analysis to identify areas with increased levels of risk for any reason. In particular we support those who also include additional licence requirements to mitigate the increased level of risk. Areas where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling harms include children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance</p>	<p>An appendix entitled ‘Useful Publications and Tools’ has been included within the revised Policy. Links to guidance to licensing authorities and GambleAware’s interactive maps are included within this annex.</p> <p>An appendix entitled ‘Useful Contacts’ have been included within the revised Policy. Contact details and links to websites of a number organisations offering guidance and help on gambling related issues.</p>

	<p>addiction treatment services.</p> <p>Finally, GambleAware is a leading commissioner of prevention and treatment services for gambling harms. It provides these functions across England, Scotland and Wales and its work is underpinned by high quality research, data and evaluation. We encourage all local authorities to signpost people to the National Gambling Helpline on 0808 8020 133 and also www.begambleaware.org. Both are part of the National Gambling Treatment Service and offer free, confidential advice and support for those who may need it.</p>	
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