



**Notice of a public meeting of
Gambling, Licensing & Regulatory Committee**

- To:** Councillors Lisle (Chair), Funnell (Vice-Chair), Boyce, Cullwick, Douglas, Hayes, Hunter, Mason, Mercer, Pavlovic, Reid, Richardson, D Taylor, Wells and Derbyshire
- Date:** Tuesday, 6 November 2018
- Time:** 5.15 pm
- Venue:** The Thornton Room - Ground Floor, West Offices (G039)

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 1 - 10)

To approve and sign the minutes of the meetings held on 17 September 2018 and 8 October 2018.

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Committee's remit can do so. The deadline for registering is **5.00pm on Monday 5 November 2018.**

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4. Gambling Act 2005 - Statement of Licensing Policy (Pages 11 - 90)

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. The report seeks a recommendation to Full Council that the Policy be approved. The report also seeks permission to publish a Local Area Profile.

5. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

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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

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

Contact details are set out above.

City of York Council

Committee Minutes

Meeting	Gambling, Licensing & Regulatory Committee
Date	17 September 2018
Present	Councillors Lisle (Chair), Pavlovic, Reid, Richardson, D Taylor, K Taylor and Wells
Apologies	Councillors Funnell, Boyce, Cullwick, Douglas, Hayes, Hunter, Mason and Mercer

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS

9. DECLARATIONS OF INTEREST

Members were 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 the agenda. None were declared.

10. MINUTES

Resolved: That the minutes of the meetings held on 18 June 2018 and 16 July 2018 be approved and signed by the Chair as a correct record.

11. PUBLIC PARTICIPATION

It was reported that the Applicant for the renewal of a Sex Establishment had registered to speak in relation to item 4.

12. RENEWAL OF SEX ESTABLISHMENT LICENCE FOR BLACK ORCHID (1ST FLOOR TOKYO), 3-5 TOFT GREEN, YORK, YO1 6JT

Members considered a report seeking determination of an application to renew a Sex Establishment Licence for a Sexual Entertainment Venue (SEV) which had been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 Control of Sex Establishments in respect of Black Orchid, 3-5 Toft Green, York, YO1 6JT York.

The Licensing Manager advised that the application was for the renewal of a Sex Establishment Licence in line with Schedule 3

of the Local Government (Miscellaneous Provisions) Act 1982, as amended by Section 27 of the Policing and Crime Act 2009, which allows local authorities to regulate lap dancing clubs and similar venues. She outlined the report and annexes, noting the opening hours of the venue, including the opening hours on York race days. She reported that consultation had been carried out correctly and that one objection had been received from North Yorkshire Police (included at Annex 5 of the report).

The Licensing Manager clarified that North Yorkshire Police did not oppose the renewal of the Sex Establishment Licence, however, they were opposed to the extension of hours on York race days, especially allowing sexual entertainment to begin at 18:00 hours. In their objection, North Yorkshire Police had asked the Committee to adhere to the City of York Council policy and prevent sexual entertainment taking place prior to 21:00 hours. The Licensing Manager then outlined discretionary grounds for the refusal of an application for a sex establishment licence. The three options available to the Committee were then detailed Licensing Manager.

In response to questions raised, the Licensing Manager confirmed that there had been no recent complaints regarding the venue and the last complaint, received 18 months ago was made by a gentleman who had spent more money than intended at the venue.

Following the Licensing Manager's update, the Applicant explained there were two Sexual Establishment Venues in the city and that the City of York City of York Council's Policy for the Licensing of Sex Establishments Licensing Policy was problematic in that it didn't include the extended operation hours on York race days.

Following the Applicant's statement he was asked and confirmed that North Yorkshire Police had not been in contact with him regarding the venue's operating hours on York race days. It was clarified that the application was a Renewal of a Sex Establishment Licence and not for an extension of operating hours.

By virtue of paragraphs 10, 12 and 13 of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended), the Committee had the following options available to them in making their decision:

- Option 1 Grant a renewal of the licence as requested.
- Option 2 Renew the licence with modified/additional conditions imposed by the licensing committee.
- Option 3 Refuse the application for renewal on one of the mandatory grounds or on one or more of the discretionary grounds within paragraph 12 to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

Resolved: That, in accordance with Option 1, Members grant a renewal of the licence as requested.

Reason: To consider renewal of the sex establishment licence as required by the legislation.

CHAIR'S REMARKS

The Chair informed Members that an audit of taxi licensing would go to the Audit and Governance Committee meeting on Wednesday 19 September 2018.

PART B - MATTERS REFERRED TO COUNCIL

13. COUNCIL'S CONSTITUTION - LICENSING APPEALS

The report was brought to the Committee following their request at the meeting held on 21 May 2018. The Head of Public Protection outlined the report, explaining that York was the only authority in the region with 'two routes of appeal' for licence holders who were dissatisfied with an officer decision. The report sought a recommendation to Full Council to change the Constitution and allow only one route of appeal.

In response to Member questions, the Head of Public Protection explained the background and previous process for Licence applicants and licence holders to appeal a decision made by Officers to refuse/suspend/revoke to a Sub-Committee of the Gambling, Licensing and Regulatory Committee.

During discussion it was explained that the aim of the change from two routes of appeal to one was to standardise the licensing process across the region.

In response to Member questions, it was confirmed that:

- All authorities within the West Yorkshire Combined Authority (WYCA) had one route of appeal for an applicant or licence holder who is aggrieved by a decision made by an officer on behalf of the Council, to appeal that decision to Magistrates Court.
- There was a national database in which the Local Authority could record revocations and refusals for taxi licences for which all authorities within the WYCA had signed up to.
- The West Yorkshire Group had looked at information sharing, operating within data protection regulations.
- Every taxi licence applicant had a had a DBS check and had to self declare of they had received a revocation or refusal in a different area.
- A two track appeal process runs a risk of an appeal heard by Members being overturned (through Judicial Review) and by reducing to a one track appeal process removes this risk.
- The primary consideration to allow only one route of appeal was for the consideration of taxi passengers in York.
- The appeal process was against the officer decision, not that of the Sub-Committee.

Following debate it was:

Resolved: That, in accordance with Option 1, the Committee recommend to Full Council that the Council's Constitution is changed and a new 'single appeal' procedure for dealing with licensing appeals is approved. In line with the requirements of relevant legislation licence applicants and licence will be able to appeal a decision made by Officers to refuse/suspend/revoke to the Magistrates Court, thereby no longer providing an internal appeals process.

Reason: In order to support the Council's plan of a being more responsive and flexible council that puts residents first and meets its statutory obligations.

Cllr S Lisle, Chair

[The meeting started at 4.00 pm and finished at 4.37 pm].

Meeting	Gambling, Licensing & Regulatory Committee
Date	8 October 2018
Present	Councillors Lisle (Chair), Funnell (Vice-Chair), Boyce, Douglas, Hunter, Pavlovic, Reid and Wells
Apologies	Councillors Cullwick, Hayes, Mason, Mercer, Richardson, D Taylor and K Taylor

14. Declarations of Interest

Members were 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 the agenda. None were declared.

15. Public Participation

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme. Saf Din, a hackney carriage driver spoke in relation to Item 3 (Taxi Licensing Policy – Proposed Amendments). He highlighted the difficulty in getting new vehicles to meet the window tint requirement when changing to euro emissions 6. He noted that other authorities allowed tinted windows and asked if York could also change to this.

16. Taxi Licensing Policy - Proposed Amendments

Members considered a report which sought their approval to formally consult on proposed amendments to the Taxi Licensing Policy, and an adequate timeframe for the duration of the consultation.

The Licensing Manager gave an overview of the report detailing the information contained in the annexes. She explained the background to the proposed amendments and the resulting joint working with West Yorkshire and York Combined Authority.

It was reported that in agreement with the Licensing Chairs, the Licensing Managers of the six authorities in the West Yorkshire

and York Combined Authority determined a number of areas that needed to be addressed - cross-border enforcement, training for new driver applicants and licensed drivers, determining the suitability of applicants and licensed drivers in relation to convictions, CCTV in licensed vehicles, vehicle specification; and Information sharing between authorities. An update on the progress in those areas was given and it was explained that the proposed policy (Annex 3) had been produced in line with guidance issued by the Institute of Licensing in partnership with LGA (Local Government Association), LLG (Lawyers in Local Government) and NALEO (National Association of Licensing and Enforcement Officers).

During the course of the project NAFN (National Anti-Fraud Network) had produced a national register for Taxi and Private Hire Driver Refusals and Revocations of which York and the five West Yorkshire authorities were all registered with NAFN to use that service. As there had been differences between the authorities concerning vehicle specification, it was determined that this needed further consideration. To bring City of York in line with the West Yorkshire authorities, the proposed changes to the policy related to introducing new requirements that licensed vehicles displayed a licence disc in the windscreen, that York hackney carriage vehicles be black, that the requirements for displaying licensed plates and door signage be updated and that the requirements for a minimum engine size be removed and that an internal sign be displayed.

The Licensing Manager outlined the options to Members and in relation to their questions clarified:

- The policy in relation to tinted windows on licensed vehicles would be considered by the West Yorkshire and York Combined Authority following consultation.
- Regarding the proposal for all hackney carriages to be black, all hackney carriages would be licensed from June 2019 and would not need to change colour until the vehicle was changed.
- The proposed licence disc to be displayed on licensed vehicles windscreens would be a similar size to a bank card. The disc would be renewed on an annual basis.
- Possible exemptions to the English language test would be addressed following the outcome of the consultation.

- The convictions policy was consistent across the West Yorkshire and York Combined Authority.
- The consideration of serious offences resulting in the refusal of a licence application would be taken on a case by case basis.

Following debate it was:

Resolved: That Members approve Option 1 – to authorise Officers to consult on the proposed amendments to the taxi licensing policy and agree the consultation period of eight weeks with the possibility of an extension to take into account the Christmas and New Year period.

Reason: This will allow the Council to formally consult on amendments to the Taxi Licensing Policy to bring Policy requirements in line with the five West Yorkshire Authorities.

17. Update on the Taxi Licensing Internal Audit report

Members considered a report that updated them on the recent Taxi Licensing Internal Audit report which was discussed at the Audit and Governance Committee on 19 September 2018.

The Head of Public Protection outlined the report. He advised that there was no legal requirement to carry out Disclosure and Barring Service (DBS) checks for taxi drivers, although it was considered best practice. The taxi licensing policy stated that DBS checks would be carried out for new taxi drivers and then every three years. He added that all taxi drivers had been DBS checked before being granted a licence.

The Head of Public Protection noted that the ongoing/refresher checks were a 'backstop' to a number of other activities which took place to determine whether drivers continued to be 'fit and proper persons' throughout the term of their licence. As part of the other 'activities', taxi drivers were required by law to notify Licensing Officers if they were arrested and/ or charged with any offence and were also to make a 'self declaration' of any notifiable offences upon renewal of a licence. Concerning

drivers' self notification, the police shared information on the arrests of taxi drivers for serious offences which had resulted in licence suspensions or revocations. It was noted that the number of complaints against taxi drivers was very small in relation to the number of taxi drivers.

Members were informed that since 16 July 2018, all drivers who had not had a current DBS check had been written to and asked to commence the process – this being 685 of the 1049 total taxi drivers (and this figure included drivers who 'became due' during the process). Of these 685 drivers, 477 (70%) checks had been completed. A further 47 (7%) had or were in the process of surrendering their licence as they were no longer driving. There were 117 drivers at various stages in the checking process. To date there had been no issues of concern raised as a result of the checks undertaken. The 44 remaining drivers (6%) were being 'chased' through letters and regular telephone calls and some of these drivers were not thought to be active and have left the trade. A very small minority were refusing to engage and it was proposed that those drivers who had not engaged in the process could continue to be considered 'fit and proper' persons to hold licences.

The Head of Public Protection outlined the options and timescales as detailed in the report. In response to questions from the Committee, he confirmed that:

- Concerning the small number of taxi drivers that had refused to engage in the checking process, the process 'chasing' up their checks involved letters being sent and officers phoning those drivers daily. It was noted that there was a cost of £44 to the drivers for their DBS checks.
- It was the responsibility of taxi drivers to inform their licensing authority if their licence had been suspended or revoked, or if their application had been refused.
- The DBS refresher checks had not been carried out over a number of years, dating back to 2012. The reason for this was explained and the Assistant Director Planning and Public Protection confirmed that management actions were in place to ensure that this did not happen again.
- DBS checks were undertaken using an external company, and the verification process was explained. The Licensing Manager clarified that the taxi licensing service was a

registered body to undertake DBS checks. The advice from the Disclosure and Barring Service was that existing DBS checks could only be accepted under the 'other service' category.

Following debate it was:

Resolved: That;

- i. Members note the report, in particular the progress made on the Disclosure and Barring Service (DBS) checks.
- ii. The Committee be provided with receive an update report in three months and then every six months thereafter.
- iii. Officers consider whether the handful of drivers who have not engaged in the process can continue to be considered 'fit and proper' persons.

Reason: To ensure that the Council is satisfied that all hackney and private hire drivers (from here on referred to generically as taxi drivers) continue to be 'fit and proper persons' to hold a licence as required by the Local Government (Miscellaneous Provisions) Act 1976.

Cllr S Lisle, Chair

[The meeting started at 4.00 pm and finished at 5.05 pm].

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Gambling, Licensing & Regulatory Committee 6 November 2018

Report from the Assistant Director – Planning and Public Protection

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 Full Council that the Policy be approved.
3. The report also seeks permission to publish a Local Area Profile.

Recommendations

4. That Members approve Option 1 and recommend to Full 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 17 December 2015 and published on 8 January 2016, the currently Policy can be found at Annex 1. The revised Policy can be found at Annex 2.
6. A revised policy must be approved by Full council and be published by the 8 January 2019.

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

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. A profile has been produced by the Business Intelligence Hub on behalf of the licensing authority. The profile can be found at Annex 3.

Consultation

11. A consultation took place from 14 May to 12 August 2018. A full list of consultees can be found at Annex 4.
12. Three responses were received to the consultation from:
 - Gamcare
 - North Yorkshire Police
 - Gosschalk Solicitors on behalf of the Association of British Bookmakers
13. The consultation responses have been taken into consideration and the Policy revised according. The full details of the responses and the action taken can be found at Annex 5.

Options

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

15. Option 2 – amend the revised Policy and make a recommend to Full 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 30 premises licences in force, which authorise the following licensable functions:
- 1 adult gaming centre
 - 2 bingo premises
 - 1 betting premises (track)
 - 26 betting premises (other) – bookmakers
18. There are currently 180 premises that hold authorisations that allow the provision of gaming machines on the premises.

Council Priorities

19. 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

20. 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

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

Contact Details

Author:		Chief Officer Responsible for the report:		
Lesley Cooke Licensing Manager 01904 551515		Mike Slater Assistant Director – Planning and Public Protection		
Report Approved		√	Date	29/10/18
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>

Annexes

Annex 1 – Statement of Licensing Policy 2016

Annex 2 – Revised Statement of Licensing Policy 2019

Annex 3 – Local Area Profile

Annex 4 – List of Consultees

Annex 5 – Consultation Responses

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Gambling Act 2005



Statement Of Licensing Policy 2016

Further copies of this policy can be obtained from:

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

tel: 01904 552512

web: www.york.gov.uk/licensing

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

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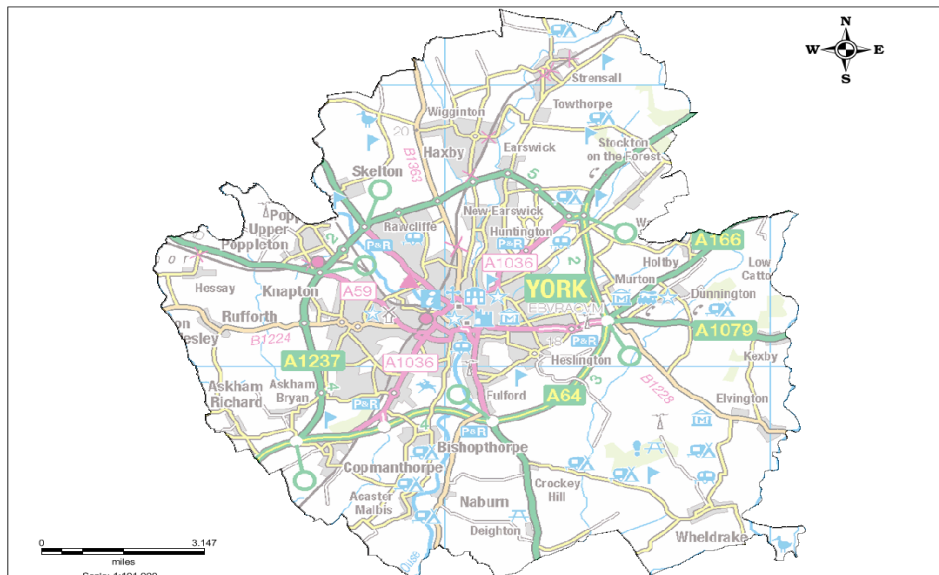
Part A

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 6 July to 28 September 2015. A list of persons consulted can be found at Appendix A.
- 1.6 The policy was approved at a meeting of the Full Council on 17 December 2015 and was published via our website on 8 January 2016.
- 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 York is a nationally and internationally prominent city for a range of reasons. Not only is it an historical centre for England, it is also one of the most visited tourist destinations in the UK. York has excellent rail links across the country, is a centre of academic excellence, and is an important location for the Church of England. Each year around 22,000 higher education students make up approximately 11% of York's population in term time.
- 2.2 City of York Council is a unitary authority covering an area of 105 square miles and a population of approximately 198,000 (2011 est.) which includes a small black and minority ethnic population (9.12%). It comprises the urban area of York that is surrounded by many small rural and semi-rural settlements covered by parish councils.
- 2.3 Tourism and leisure are important industries for York, attracting over 7 million visitors a year, who spend £606 million in the city. Over 20,000 jobs have been created in the tourist and leisure industry sector.
- 2.4 This level of tourism can, however, present challenges to the city in balancing the requirements of residents against the 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 cinemas and 5 theatres, numerous high quality traditional and historic public houses, and bars. Other premises, such as York Racecourse and bingo halls, provide alcohol and entertainment as part of their overall activities.
- 2.6 City of York Council Authority Area



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:

The Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP
Tel: 0121 230 6666
info@gamblingcommission.gov.uk

Chief Officer of Police
North Yorkshire Police Headquarters
The Licensing Section
Fulford Road
York
YO10 4BY
Tel: 01904 669945
NYPLicensing@northyorkshire.pnn.police

City of York Council
Development Control (Planning)
West Offices
Station Rise
York
YO1 6GA
Tel: 01904 551553
planning.enquiries@york.gov.uk

City of York Council
Public Protection
Eco Depot
Hazel Court
York
YO10 3DS
Tel: 01904 551525
public.protection@york.gov.uk

City of York Council Corporate Support
(Licences - Children's Services)
West Offices
Station Rise
York
YO1 6GA
Tel: 01904 551550

North Yorkshire Fire & Rescue Service
York Fire Station
Kent Street
York
YO10 4AH
Tel: 01904 616100

HM Revenue & Customs
National Registration Unit
Portcullis House
21 India Street
Glasgow
G2 4PZ
Tel: 0141 555 3633
nrubetting&gaming@hmrc.gsi.gov.uk

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 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 Promotion of the 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 promote this 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 measure 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 Commissions 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.

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 appropriate.
- 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 The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 10, for licensees 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.
- 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.
- 12.15 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.
- 12.16 **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.
- 12.17 **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.
- 12.18 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.

12.19 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.

12.20 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 there be a perceived need, 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/her own suggestions as to ways in which the licensing objectives can be met effectively.

12.21 Where certain measures are not already addressed by the mandatory/default conditions or by the applicant, the council may consider licence conditions to cover issues such as:

- proof of age schemes
- CCTV
- 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.

12.22 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.

12.23 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.

12.24 **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.

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.

Gambling Policy Consultees

BACTA
Gamcare
Gambling Therapy Organisation
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
Coppergate Centre
York CVS
York & North Yorkshire Chamber of Commerce
York Citizens Advice Bureau
Stonegate Traders Association
Clifton Moor Business Association
Make it York
York Retail Forum
North Yorkshire Police
North Yorkshire Fire & Rescuse Service
CYC Public Protection
CYC Public Health
CYC Children Services
CYC Adult Services
CYC Development Control
Ward Councillors
Parish Councils

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	£100	£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

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Statement of Licensing Policy 2019

Gambling Act 2005



Further copies of this policy can be obtained from:

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

tel: 01904 552512

web: www.york.gov.uk/licensing

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Part A

1. Introduction

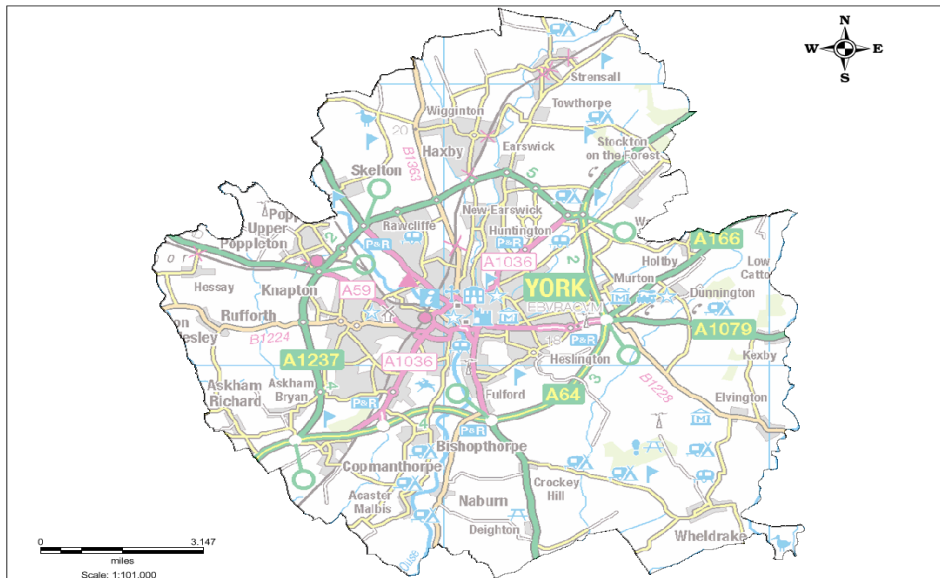
- 1.1 Under Section 349 of the Gambling Act 2005 (the Act) the licensing authority is required to prepare a statement of principles which it proposes to apply when exercising their functions. This statement must be published at least every three years.
- 1.2 In exercising most of their functions under 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 May to 12 August 2018.
- 1.6 The policy was approved at a meeting of the Full Council on 13 December 2018 and was published via our website on 8 January 2019.
- 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 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 million passengers every year. It is also a centre of academic excellence, with around 24,000 students making up approximately 11.5% of York's population in term time.
- 2.3 Tourism and leisure are important industries for York, attracting up to 7 million visitors a year, who spend £560 million annually in the city. Over 18,500 jobs have been created in the tourist and leisure industry sector.
- 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 cinemas and 5 theatres, numerous high quality traditional and historic public houses, and bars. Other premises, such as York Racecourse and 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 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 measure 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 Commissions 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.

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.

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/her 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.

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.

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	£100	£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

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Business Intelligence Hub

Annex 3

Gambling Act 2005 Local Area Profile York

Author: James Green
Date: September 2018

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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 900 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 200,000 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 (2011 census) 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 & 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).

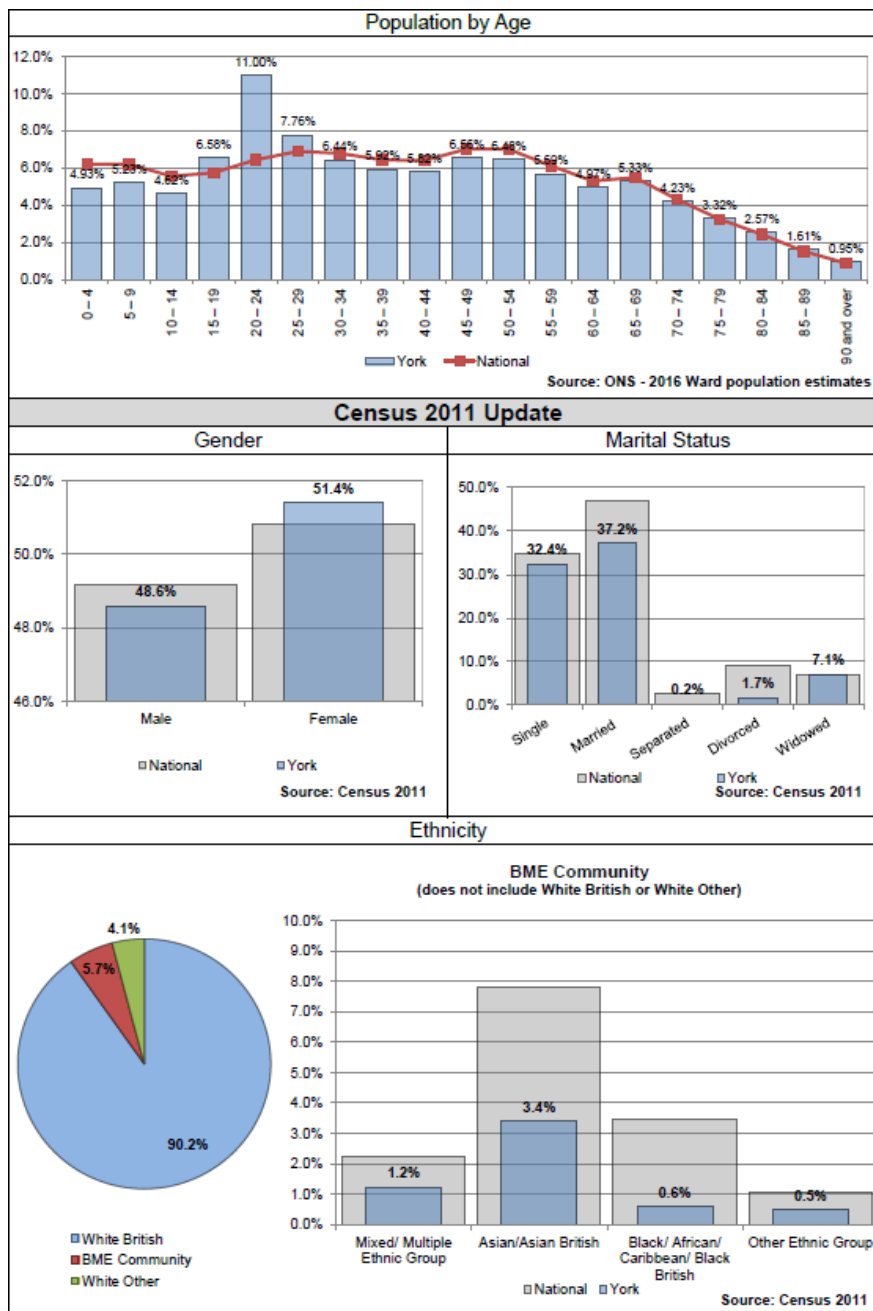
Ward	Schools in catchment area		Licensed Premises		
	Primary	Secondary	Betting Shops	Adult Gaming	Bingo
Acomb	3	2	1	0	0
Bishopthorpe	3	2	0	0	0
Clifton	2	1	2	0	1
Copmanthorpe	1	1	0	0	0
Dringhouses and Woodthorpe	4	2	0	0	0
Fishergate	2	2	0	0	1
Fulford and Heslington	3	1	0	0	0
Guildhall	6	4	10	1	0
Haxby and Wigginton	3	1	1	0	0
Heworth	5	2	2	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	1	0	0
Micklegate	4	1	3 & 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	5	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 208,367 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 15.3% 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 (2016) estimates York's population to be 206,900, with 105,600 (51.04%) females and 101,400 (48.96%) males. This is consistent on a larger scale with the overall percentage figures for North Yorkshire.

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:

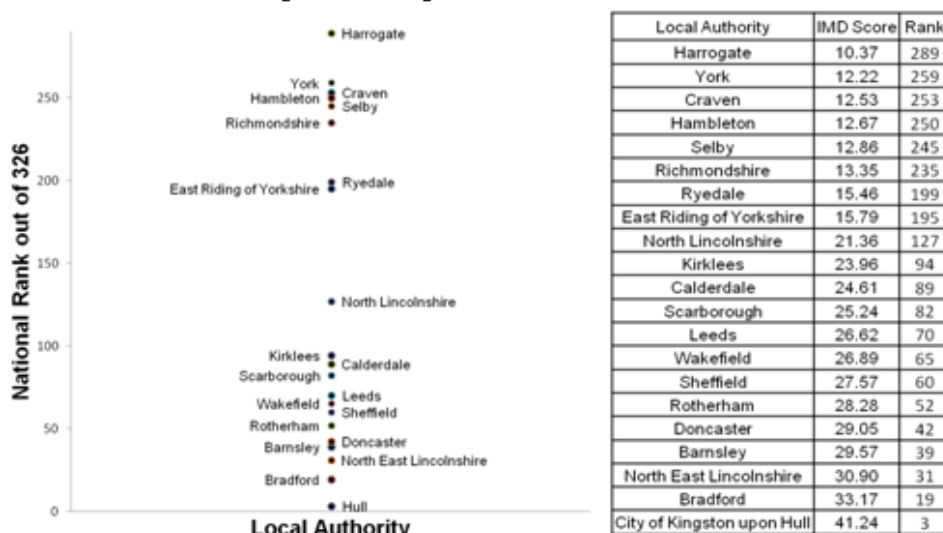
- Income Deprivation (22.5%)
- Employment Deprivation (22.5%)
- Education, Skills and Training Deprivation (13.5%)
- Health Deprivation and Disability (13.5%)
- Crime (9.3%)
- Barriers to Housing and Services (9.3%)
- Living Environment Deprivation (9.3%)

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 259th out of 326 Local Authorities (Index of Multiple Deprivation 2015), compared to 234th in the 2010 IMD. There are 120 LSOAs within the 21 York Wards, none of which appear in the most deprived 10% of LSOAs nationally, with then only 5 LSOAs inside the most deprived 20%. Further details regarding the York Wards can be found on the York Open Data platform.

<https://data.yorkopendata.org/dataset/york-ward-profiles-2017-18-q3>

The weakest contributing factor to the overall ranking for the IMD is the quality of living environment, where York is ranked 138th most deprived. In comparison to other areas in the Yorkshire and Humber region, which is made up of 21 local authorities, York is ranked 2nd best amongst those – only behind Harrogate.

Regional Ranking for Yorkshire/Humber LA's 2015

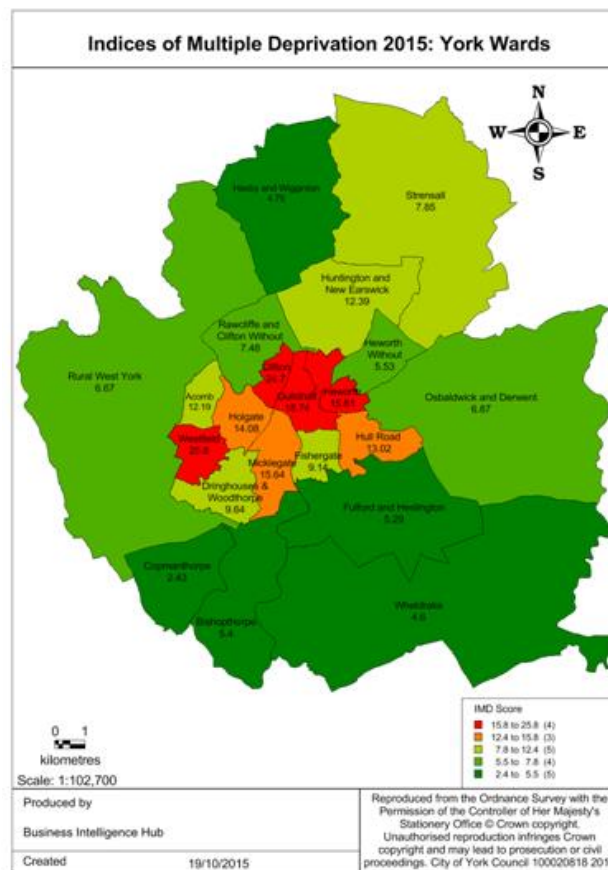


4.3 York areas of deprivation

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	2007	2010	2015
Acomb	13.68	14.85	12.19
Bishopthorpe	7.10	6.79	5.40
Clifton	25.34	25.01	24.70
Copmanthorpe	2.98	3.10	2.43
Dringhouses and Woodthorpe	10.08	10.91	9.64
Fishergate	11.18	9.31	9.14
Fulford and Heslington	5.64	4.59	5.29
Guildhall	22.22	21.06	18.74
Haxby and Wigginton	4.89	4.65	4.76
Heworth	18.99	18.43	15.81
Heworth Without	6.64	6.25	5.53
Holgate	15.41	15.33	14.08
Hull Road	16.05	14.63	13.02
Huntington and New Earswick	13.58	12.54	12.39
Micklegate	15.45	14.86	15.64
Osbaldwick and Derwent	6.76	6.54	6.87
Rawcliffe and Clifton Without	8.80	8.13	7.48
Rural West York	7.80	6.82	6.67
Strensall	8.87	7.96	7.85
Westfield	28.25	27.62	25.80
Wheldrake	5.44	4.45	4.60

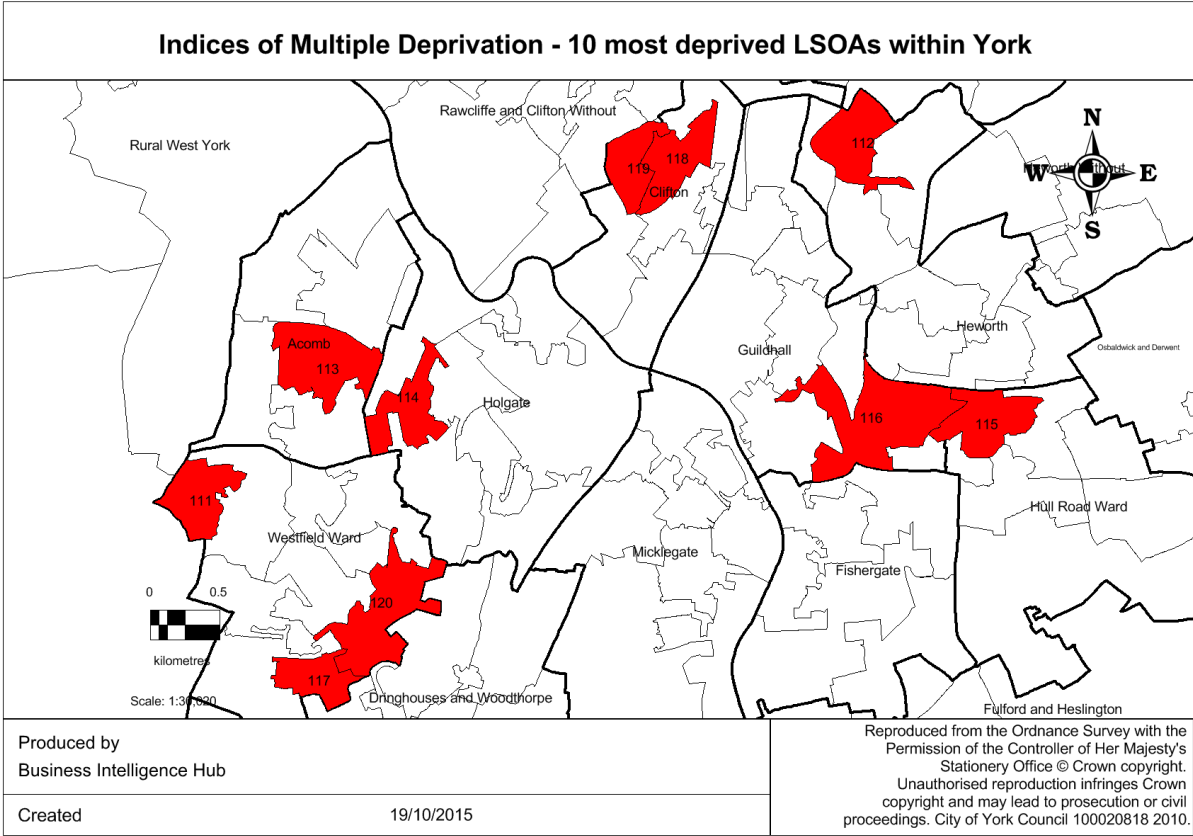
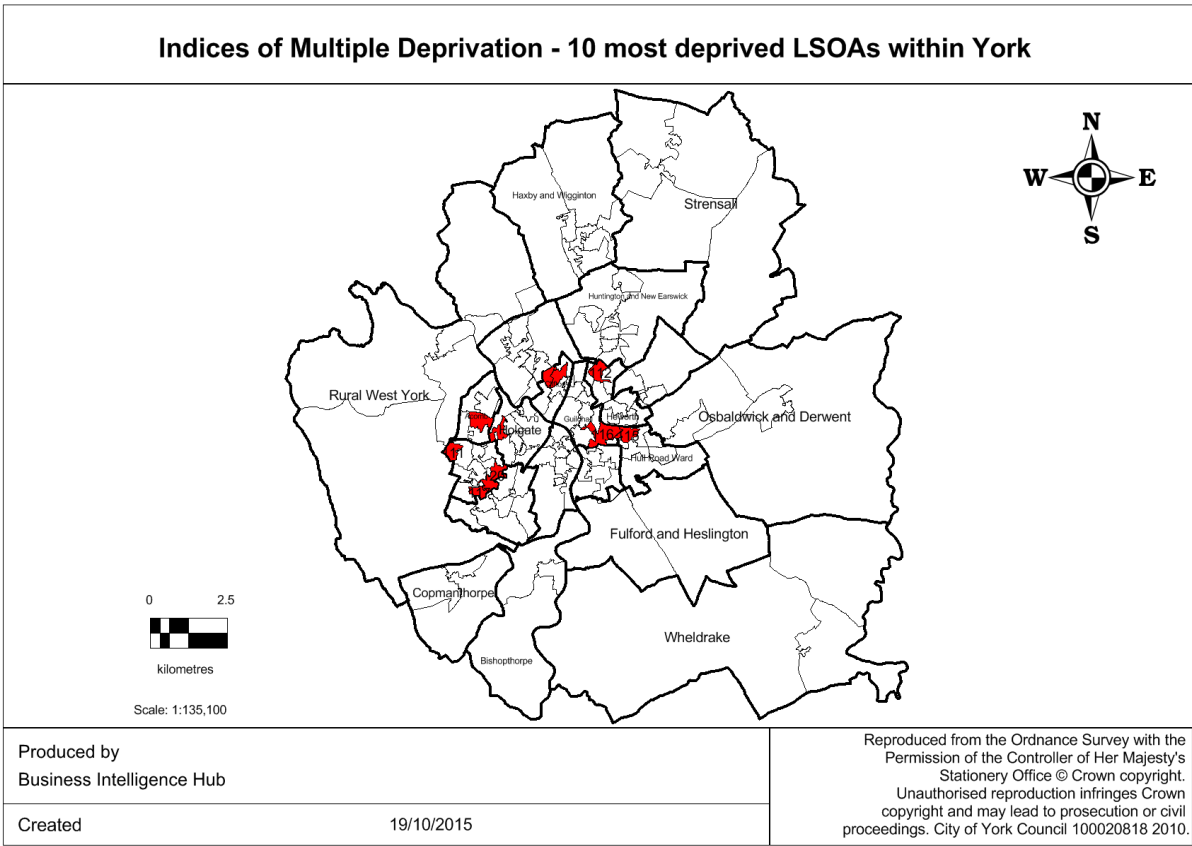


From the above information, it shows Westfield, Clifton and Guildhall to be the most deprived Wards in York. Westfield and Clifton contain 2 LSOAs each that feature in the most deprived 20% nationally, with Guildhall containing 1 LSOA.

As of the 2015 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 013F Guildhall (*E01033067*)
6. York 015C Hull Road (*E01013399*)
7. York 016B Holgate (*E01013394*)
8. York 012A Acomb (*E01013335*)
9. York 010E Heworth (*E01013386*)
10. York 018C Westfield (*E01013444*)

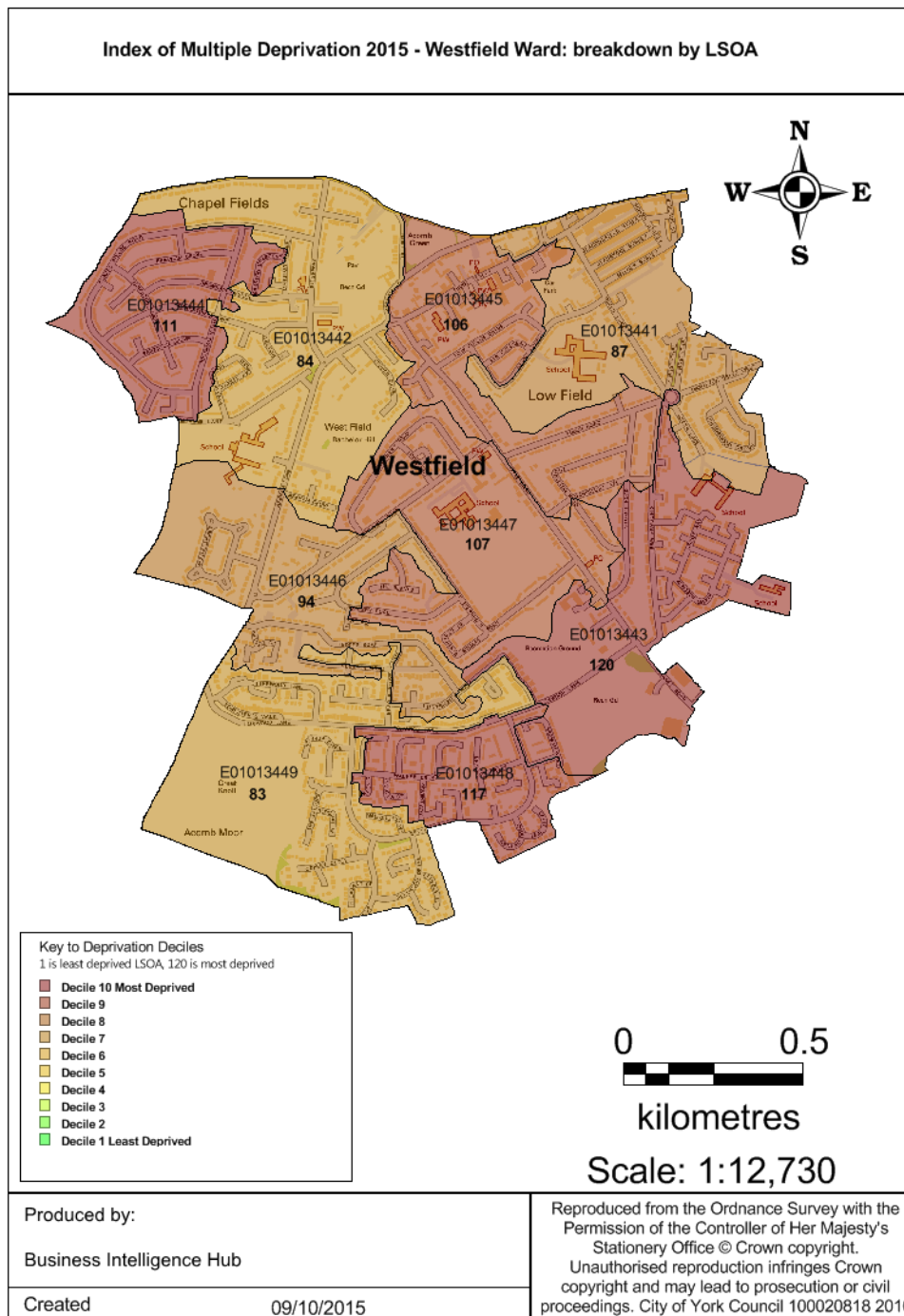


Westfield has 14,110 residents with 3.1% from a black and minority ethnic community group 78.9% are in good health, with 18.8% stating that they have some limitation in day to day activities.

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 2 of which that are ranked in the most deprived 20% nationally (York 018B Westfield (E01013443) & York 018F Westfield (E01013448)).

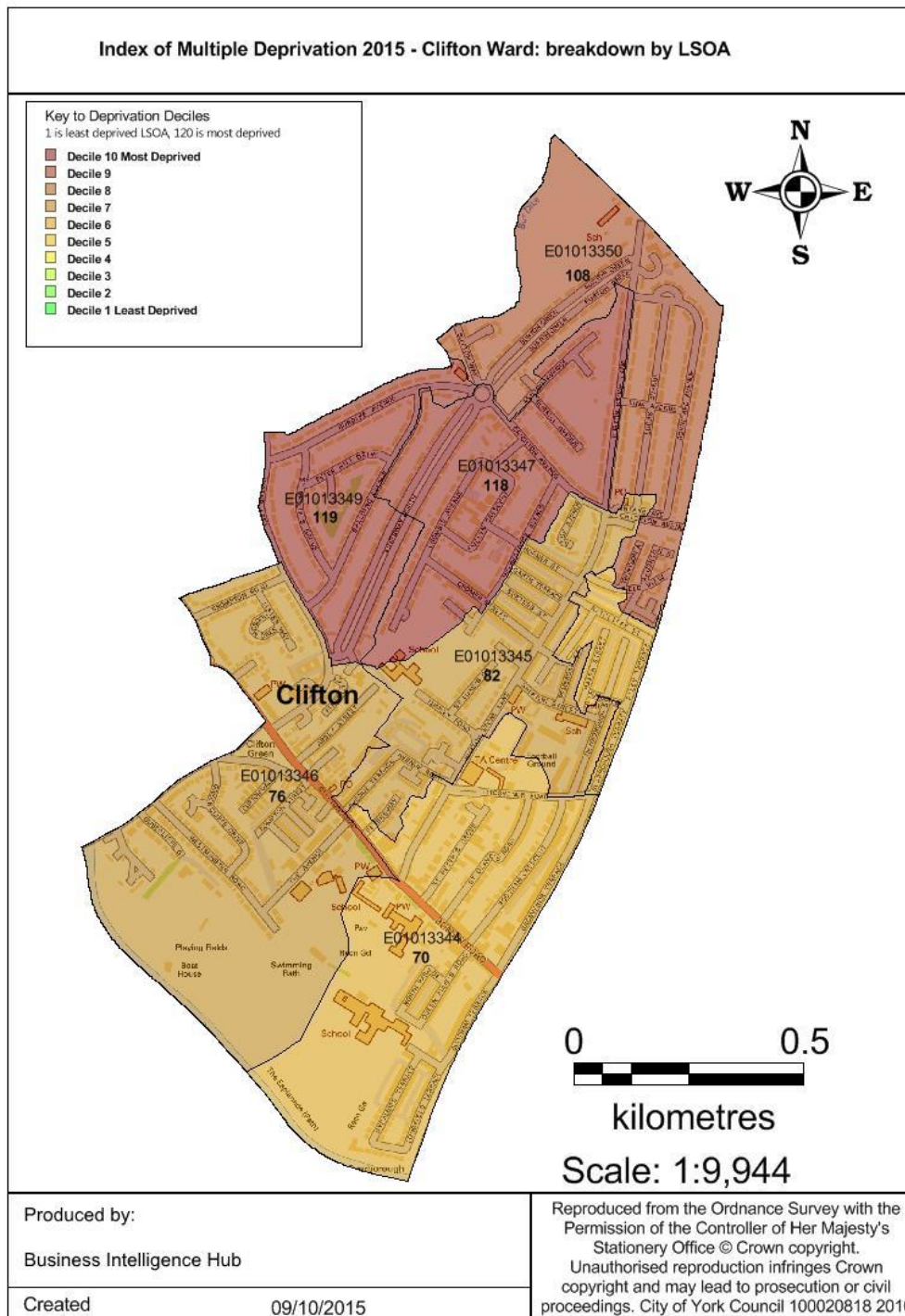


Clifton has 10,186 residents with 7.8% from a black and minority ethnic community group. 83.5% are in good health, with 15.2% stating that they have some limitation in day to day activities.

Clifton Ward holds 2 LSOAs out of the 10 most deprived LSOAs in York:

1. York 009D Clifton (*E01013349*)
2. York 009C Clifton (*E01013347*)

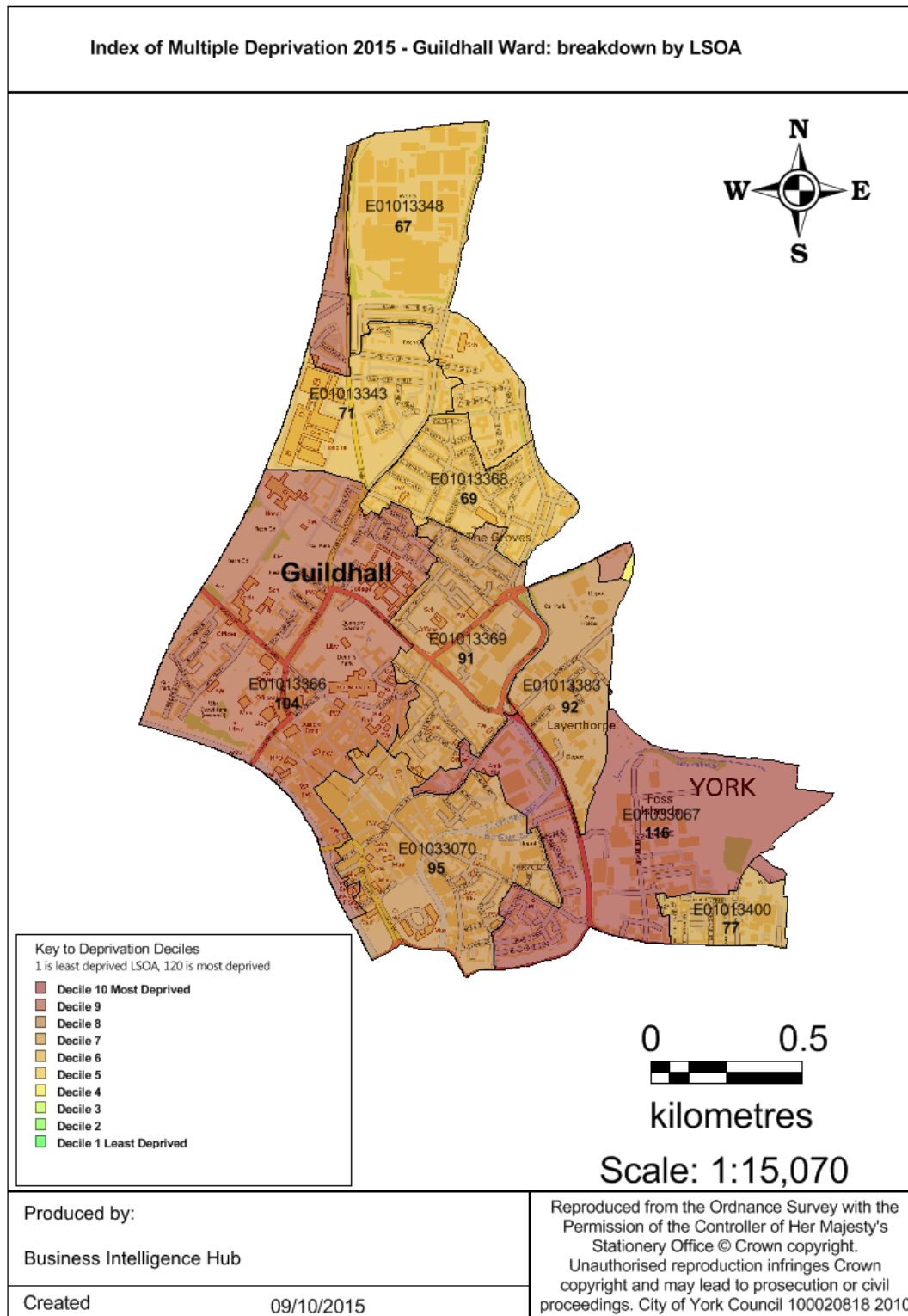
Both of these LSOAs are ranked in the most deprived 20% nationally (York 009D Clifton (*E01013349*) & York 009C Clifton (*E01013347*)).



Guildhall has 16,045 residents with 10.2% from a black and minority ethnic community group. 84.4% are in good health, with 14.1% stating that they have some limitation in day to day activities.

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

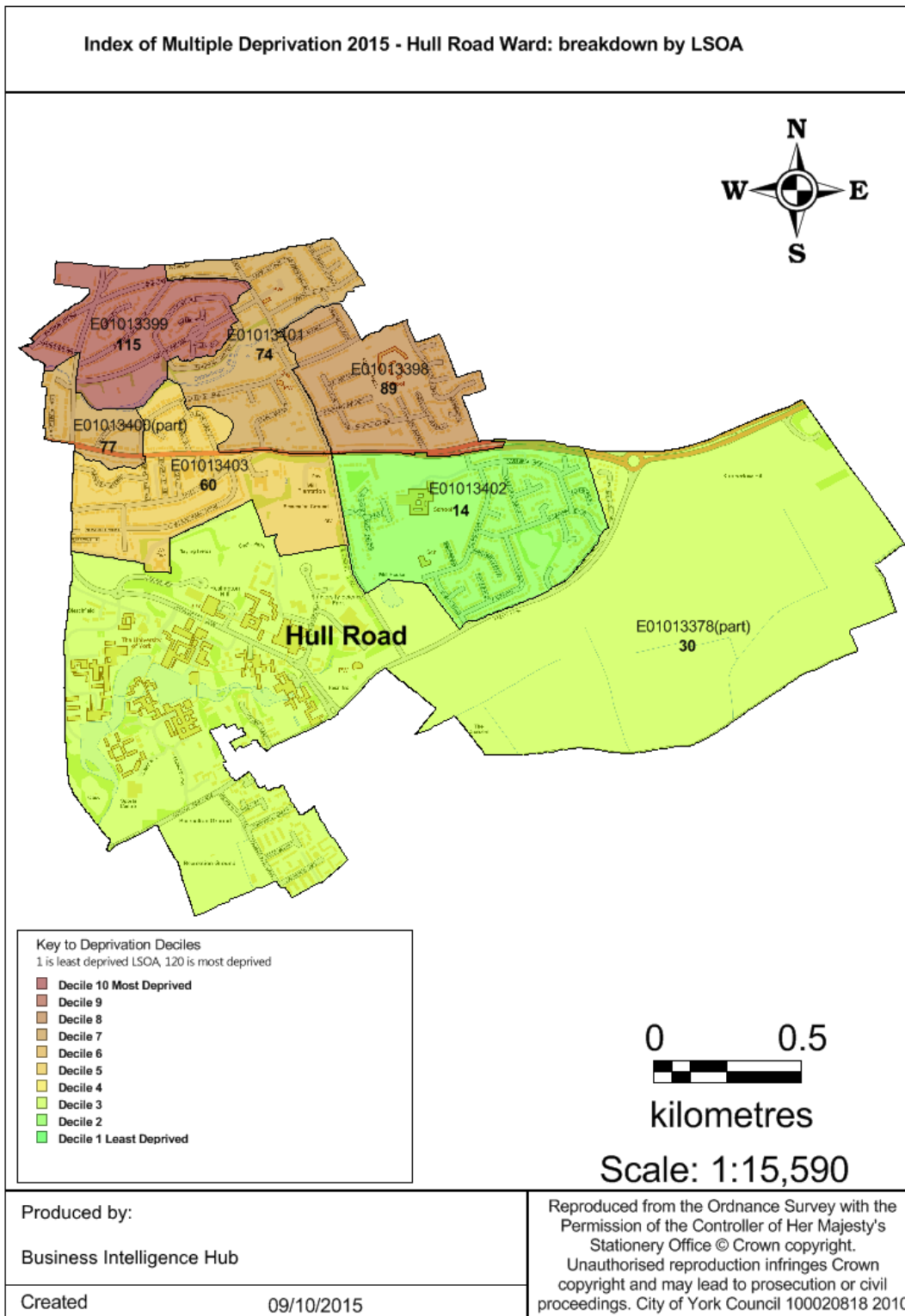
1. York 013F Guildhall (E01033067)



Hull Road has 15,119 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:

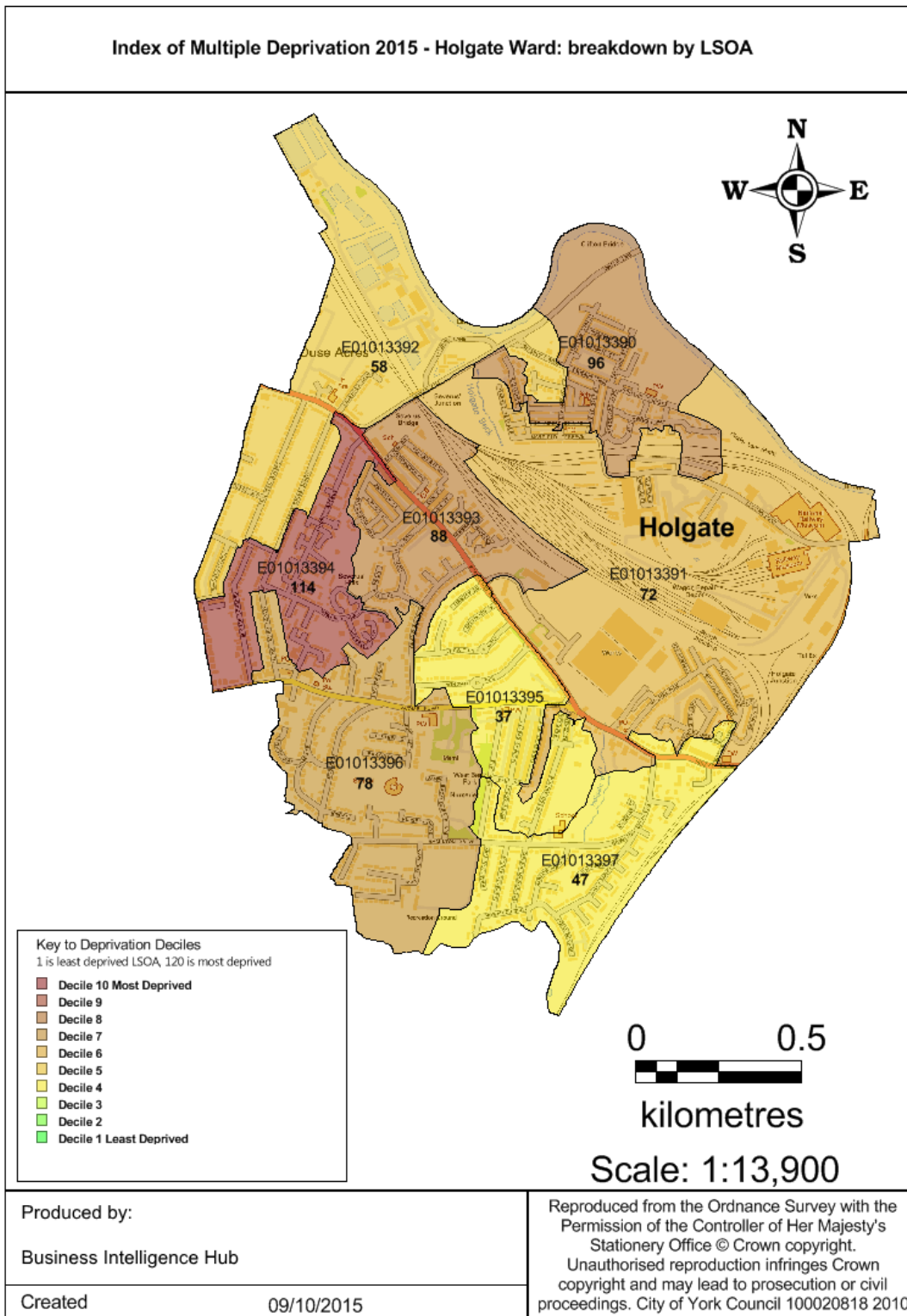
1. York 015C Hull Road (E01013399)



Holgate has 12,871 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:

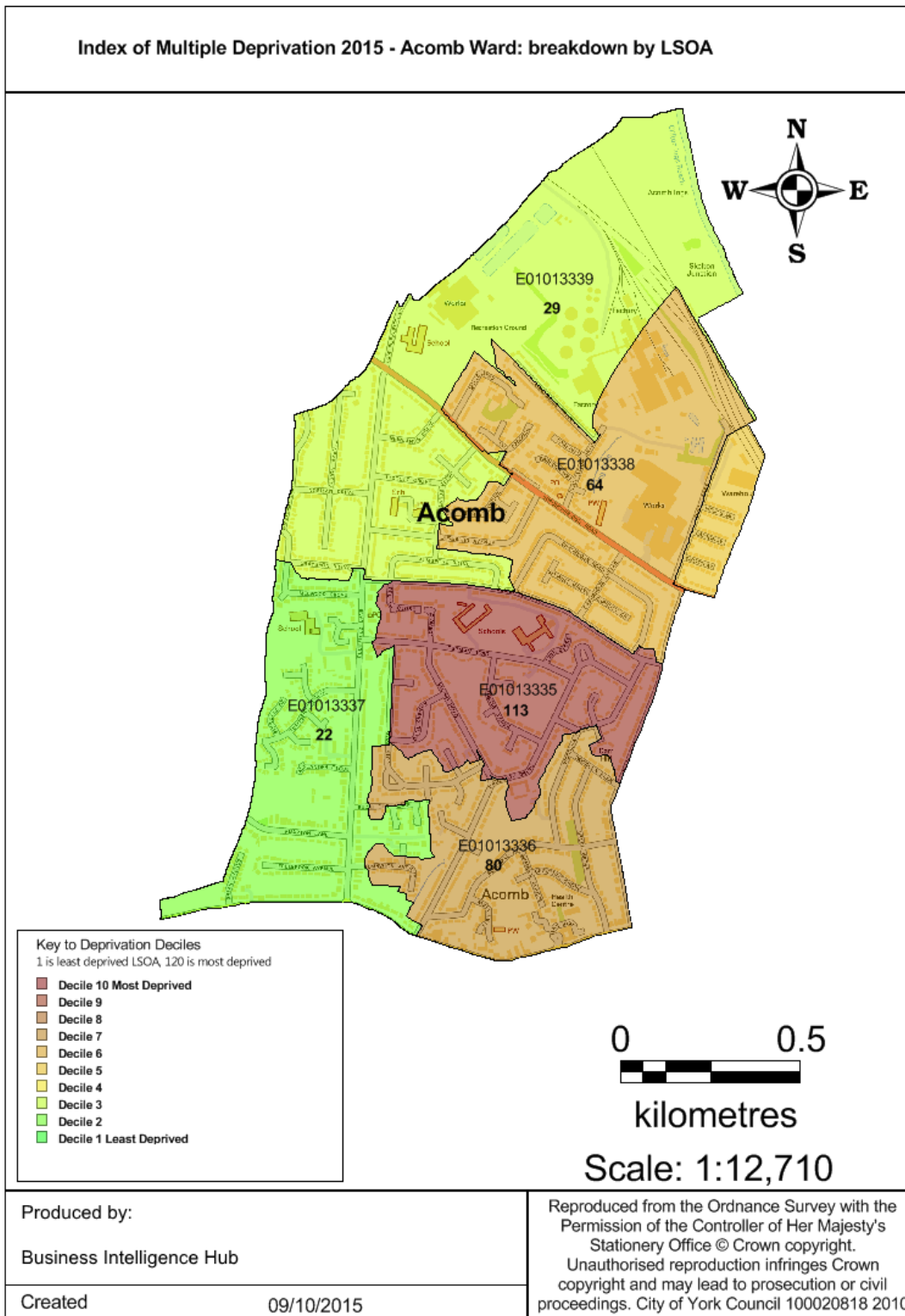
1. York 016B Holgate (*E01013394*)



Acomb has 9,348 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:

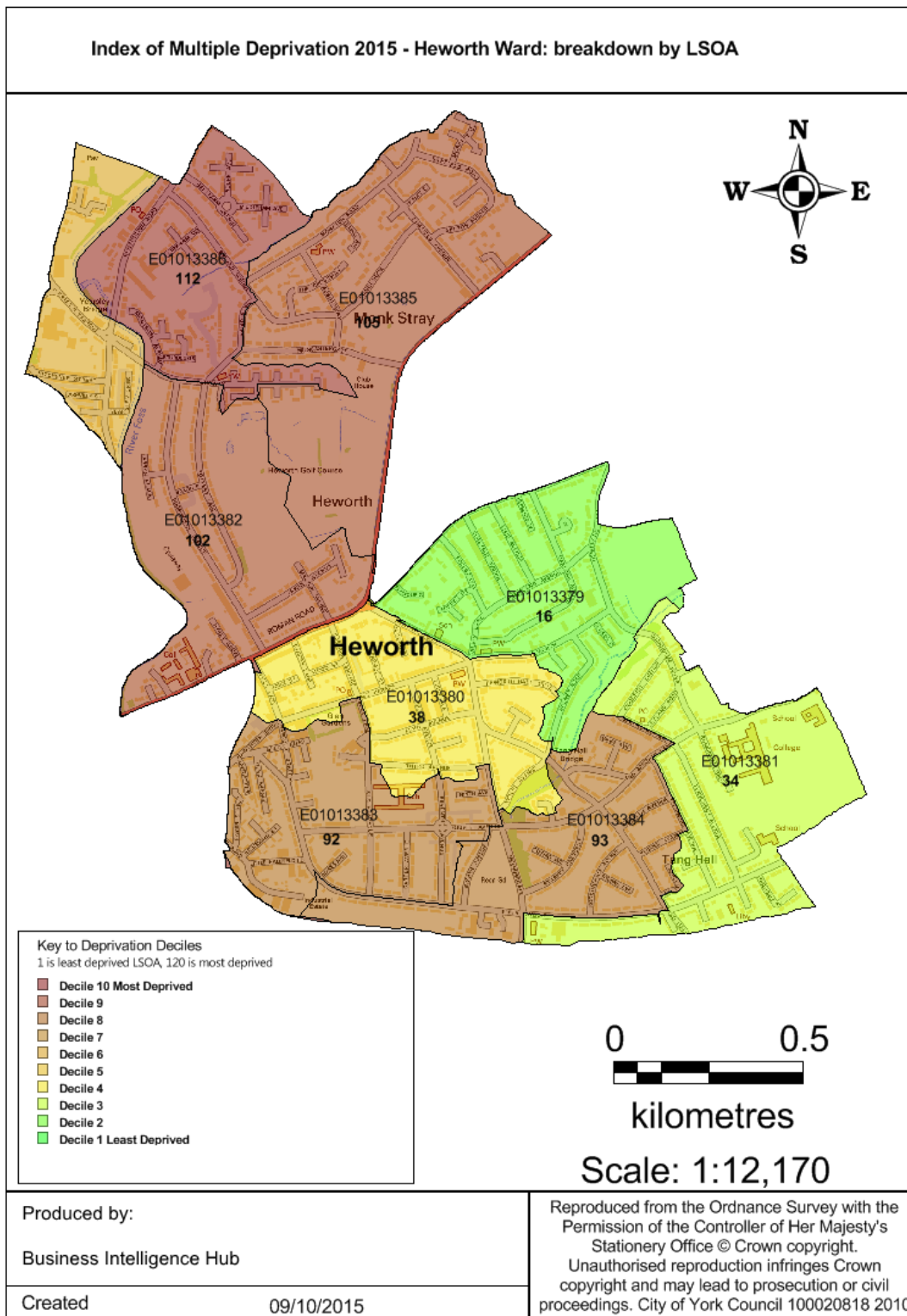
1. York 012A Acomb (*E01013335*)



Heworth has 14,558 residents with 7.3% from a black and minority ethnic community group. 83.6% are in good health, with 15.3% stating that they have some limitation in day to day activities.

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

1. York 010E Heworth (*E01013386*)



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 September 2017, 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 force.

Below is a breakdown of the reported crime in York – year ending September 2017.

Offence	Number of offences - 12 months ending		% change (+/-)
	30 September 2016	30 September 2017	
All other theft offences	1,238	1,187	-4.12%
Bicycle theft	1,059	743	-29.84%
Criminal damage and arson	1,619	1,538	-5.00%
Domestic burglary	440	502	14.09%
Drug offences	475	458	-3.58%
Homicide	1	2	100.00%
Miscellaneous crimes against society	178	208	16.85%
Non-domestic burglary	666	401	-39.79%
Possession of weapons offences	55	65	18.18%
Public order offences	420	444	5.71%
Robbery	62	51	-17.74%
Sexual offences	369	411	11.38%
Shoplifting	1,529	1,738	13.67%
Theft from the person	216	191	-11.57%
Vehicle offences	881	541	-38.59%
Violence with injury	1,344	1,459	8.56%
Violence without injury	1,287	1,503	16.78%
Total	11,839	11,442	-3.35%

5.1

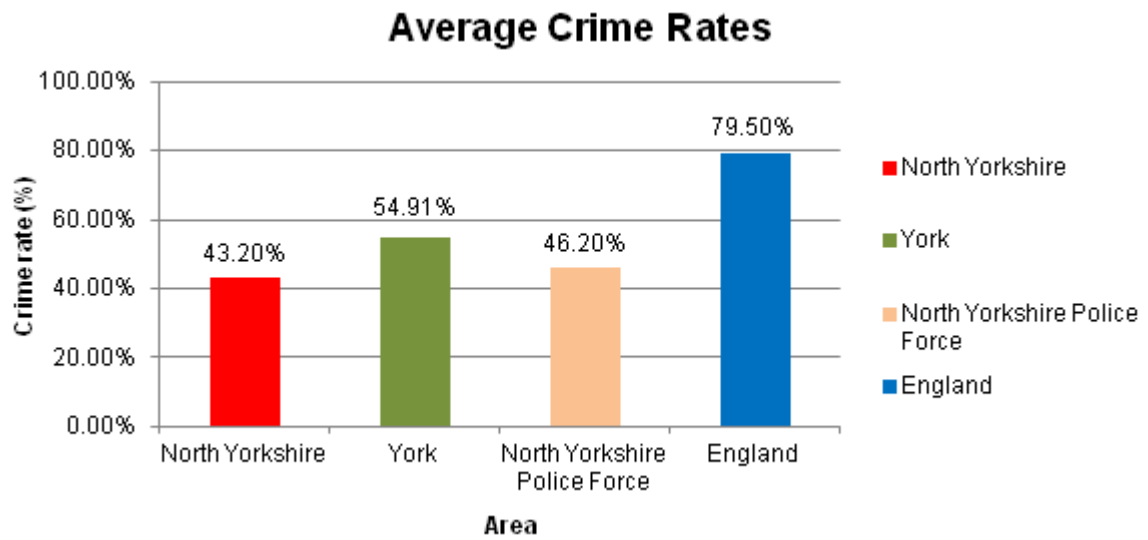
Crime and gambling

In Great Britain, 41% of people agree that gambling is associated in some way with criminal activity, just over a 2% increase on the previous year. The types of crime that people predominantly associate with gambling are theft to continue gambling (20%), fraud (17%), drug dealing/trafficking/prostitution (16%) and money laundering (16%). In comparison to this, 33% of people in Great Britain agree that gambling is fair and can be trusted, just over a 1% decline on 2016 figures (Gambling Commission, 2017).

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 increased in York from the previous 12 months. Despite this, York's crime contribution to North Yorkshire's overall crime number has decreased from 32% year ending September 2016 to 30% year ending September 2017.

The chart below shows the rate of crime reported in York over a 12 month period per 1000 residents – year ending September 2017.



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 31/03/17
Bingo venues		2
Betting shops		26
Adult gaming centres		1
Family Entertainment Centres		
	Licensed	N/A
	Permitted	N/A
Betting tracks		1
Casinos		0
Alcohol licensed premises with gaming machines		
	Up to 2 per bar	124
	More than 2 per bar	30
Clubs with gaming permissions		
	Club machine permits	24
	Club gaming permits	0
Total		208

Source: Gambling Commission & Civica

As the table above shows, there are numerous opportunities to gamble within York. With there being so 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

Findings from the latest gambling participation report, carried out by the Gambling Commission (year ending December 2017), state that 45% of adults (16+) have participated in at least one form of gambling within the previous 4 weeks.

One of the biggest ongoing changes to gambling is the way people gamble. Online gambling appears to be on the increase, with the increase of gambling through mobile phones and tablets (8% increase from last year – 51%). All gambling activities have seen greater online participation since last year apart from horse racing and spread betting. Consequently, in person gambling participation has seen a decrease in the majority of activities (Gambling Commission: Participation report 2017).

The increase in online gambling participation could be related to the issues of availability and opportunities. From the participation report, 80% of people believe there are too many gambling opportunities. This can be consolidated by exploring the vast amount of gambling markets available on an increasing amount of events – meaning there are endless opportunities to gamble on any given day. The most popular gambling activity with 27% of people participating within the last 4 weeks is the National Lottery. In relation to sports gambling – football was the most popular gambling activity, closely followed by horse racing.

With the perceptions of gambling deteriorating, this promotes the idea that work must be done to regulate gambling to protect those who are potentially at risk of being harmed. There must be increased attention on responsible gambling, with more people made aware of the current controls that are in place; such as self exclusion, short term breaks and limits.

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) Gambling participation in 2017: behaviour awareness and attitudes – Annual Report Feb. 2018 (Gambling Commission)
- 4) Office for National Statistics (ONS) <https://www.ons.gov.uk/>
- 5) Civica – City of York Council

Consultees 2018

Annex 4

BACTA

Gamcare

Gambling Therapy organisation

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

Coppergate Centre

Monks Cross Shopping Park

Vangarde Shopping Park

Clifton Moor Business Association

Make it York

York Retail Forum

BID

North Yorkshire Police

North Yorkshire Fire & Rescue Service

CYC Public Protection, Public Health, Children Services, Adult Services and Development Control

Ward Councillors

Parish Councils

Premise Licence Holders

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**Gambling Licence Policy 2018
Consultee Responses**

	RESPONDENT DETAILS	COMMENTS	ACTION TAKEN
1.	Ms C Sweet, Gamcare	<p>While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the Gambling Commission.</p> <p>The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.</p> <ul style="list-style-type: none"> • A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how- 	<p>The comments have been noted.</p> <p>A 'Gambling Profile' has been produced and will be published on the Councils website.</p>

[local-space-shapes-our-understanding-of-risk/](#)

- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Consider whether the layout, lighting and fitting out of the

		<p>premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.</p> <ul style="list-style-type: none"> Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so. <p>We would suggest that the Local Licensing Authority primarily consider applications from GamCare Certified operators. GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice.</p>	
2.	PS Jackie Booth, North Yorkshire Police	<p>My only recommendation is at point 12.15 regarding local risk assessments, in line with the Gambling Commission's January 2018 Bulletin guidance for Statements of Licensing Policy they state:-</p> <p><i>“LA's are strongly encouraged to stipulate in their statement that LRA's are kept on the individual premises and are available for inspection”</i></p> <p>As such could this be included for Premises to hold locally and produce upon request for inspection.</p>	Included within paragraph 12.14 of the Policy.
3.	Mr R Taylor, Gosschalks Solicitors on behalf of the	<p>The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes Coral and Paddy Power, as well as almost 100 smaller independent</p>	

	<p>Association of British Bookmakers</p>	<p>bookmakers.</p> <p>Please see below for the ABB's response to the Council's current consultation on the draft gambling policy statement.</p> <p>This response starts by setting out the ABB's approach in areas relevant to the local authority's regulation of betting shop premises, and its commitment to working with local authorities in partnership. The response finishes by highlighting matters within the policy statement which the ABB feels may need to be addressed.</p> <p>Betting shops have been part of the British high street for over 50 years and ensuring a dialogue with the communities they serve is vital.</p> <p>The ABB recognises the importance of the gambling policy statement in focusing on the local environment and welcomes the informed approach this will enable operators to take for example, with regard, to the new requirements for local area risk assessments and ensuring the right structures are in place in shops that are appropriate for that area.</p> <p>Whilst it is important that the gambling policy statement fully reflects the local area, the ABB is also keen to ensure that the statutory requirements placed on operators and local authorities under the Gambling Act 2005 remain clear; this includes mandatory conditions (for instance, relating to Think 21 policies) and the aim to permit structure. Any duplication or obscuring of these within new processes would be detrimental to the gambling licensing regime. The ABB also believes it is important that the key protections already offered for communities, and</p>	
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clear process (including putting the public on notice) for objections to premises licence applications, continue to be recognised under the new regime.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that numbers as of March 2017 were 8,788 - a decline of 349 since March 2014, when there were 9,137 recorded.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA), developed over a

period of months by a specially formed Betting Commission consisting of councillors and betting shop firms, which established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *"desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."*

The framework builds on earlier examples of joint working between councils and the industry, for example the Medway Responsible Gambling Partnership which was launched by Medway Council and the ABB in December 2014. The first of its kind in Britain, the voluntary agreement led the way in trialing multi-operator self-exclusion. Lessons learned from this trial paved the way for the national multi-operator self-exclusion scheme now in place across the country. By phoning a free phone number (0800 294 2060) a customer who is concerned they are developing a problem with their gambling can exclude themselves from betting shops close to where they live, work and socialise. The ABB is working with local authorities to help raise awareness of the scheme, which is widely promoted within betting shops.

The national scheme was first trialed in Glasgow in partnership with Glasgow City Council. Cllr Paul Rooney, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, described the project as *"breaking new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."*

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities. These partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015. By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

Local area risk assessments

Since April 2016, under new Gambling Commission LCCP provisions, operators have been required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy, and any local area

A 'Local Area Profile' has been produced and will be published on the Councils website.

	<p>profile, in their risk assessment. These must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or for a new premises licence.</p> <p>The ABB fully supports the implementation of risk assessments which will take into account risks presented in the local area, such as exposure to vulnerable groups and crime. The new requirements build on measures the industry has already introduced through the ABB Responsible Gambling Code to better identify problem gamblers and to encourage all customers to gamble responsibly.</p> <p>This includes training for shop staff on how to intervene and direct problem gamblers to support services, as well as new rules on advertising including banning gaming machine advertising in shop windows, and the introduction of Player Awareness Systems which use technology to track account based gaming machine customers' player history data to allow earlier intervention with any customers whose data displays known 'markers of harm'.</p> <p>Best practice</p> <p>The ABB is committed to working pro-actively with local authorities to help drive the development of best practice with regard to local area risk assessments, both through responses to consultations such as this and directly with local authorities. Both the ABB and its members are open and willing to engage with any local authority with questions or concerns relating to the risk assessment process, and would encourage them to make contact.</p>	
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Westminster Council is one local authority which entered into early dialogue with the industry, leading to the development of and consultation on draft guidance on the risk assessment process, which the ABB and our members contributed to. Most recently one operator, Coral, has been working closely with the Council ahead of it issuing its final version of the guidance, which we welcome.

The final guidance includes a recommended template for the local area risk assessment which we would point to as a good example of what should be expected to be covered in an operator's risk assessment. It is not feasible for national operators to submit bespoke risk assessments to each of the c.350 local authorities they each deal with, and all operators have been working to ensure that their templates can meet the requirements set out by all individual local authorities.

The ABB would be concerned should any local authority seek to prescribe the form of an operator's risk assessment. This would not be in line with better regulation principles. Operators must remain free to shape their risk assessment in whichever way best meets their operational processes.

The ABB has also shared recommendations of best practice with its smaller independent members, who although they deal with fewer different local authorities, have less resource to devote to developing their approach to the new assessments. In this way we hope to encourage a consistent application of the new rules by operators which will benefit both them and local authorities.

Concerns around increases in the regulatory burden on

	<p>operators</p> <p>The ABB is concerned to ensure that any changes in the licensing regime at a local level are implemented in a proportionate manner. This would include if any local authority were to set out overly onerous requirements on operators to review their local risk assessments with unnecessary frequency, as this could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to operate consistently with the three licensing objectives.</p> <p>Any increase in the regulatory burden would severely impact ABB members at a time when overall shop numbers are in decline, and operators are continuing to absorb the impacts of significant recent regulatory change. This includes the increase to 25% of Machine Games Duty, limits to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.</p> <p>Employing additional licence conditions</p> <p>It should continue to be the case that additional conditions are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented</p>	<p>A 'Local Area Profile' has been produced and will be published on the Councils website.</p>
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	<p>by additional conditions.</p> <p>The LCCP require that premises operate an age verification policy. The industry operates a policy called “Think 21”. This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and the ABB, and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%. The ABB has seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.</p> <p>The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities</p> <p>Other concerns</p> <p>Where a local area profile is produced by the licensing authority, this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.</p> <p>Considerations specific to the Statement of Licensing Policy 2019</p>	<p>Policy amended at paragraph 9.2</p> <p>Policy amended at paragraph 12.2, 12.23 and 12.25</p> <p>Policy amended at</p>
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	<p>On behalf of the ABB we welcome the light touch approach to the draft statement of licensing policy. There are, however, a number of relatively minor issues which we believe should be addressed.</p> <p>On a number of occasions throughout the draft statement of policy, there is a reference to the “promotion” of the licensing objectives. These references appear within the index, the heading to part B and paragraph 9.2. Whilst the promotion of the licensing objectives is a fundamental principle of Licensing Act 2003, under the Gambling Act 2005, licensing authorities are required to have regard to the licensing objectives when exercising most of their functions. Similarly, applications and operations are required to be reasonably consistent with the licensing objectives. The only body upon whom Gambling Act 2005 confers a duty to promote the licensing objectives is the Gambling Commission. Accordingly these references should be amended.</p> <p>We welcome the acknowledgement within part C (and in particular within paragraph 12.17) that Gambling Act 2005 premises licences are subject to mandatory and default conditions which are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. The draft statement of licensing policy would be assisted if it was to be made clear that additional conditions would only be imposed where there is evidence of a need to supplement the mandatory and default conditions due to a demonstrable risk to the licensing objectives in the circumstances of a particular case.</p> <p>The evidential basis for additional conditions is important as</p>	paragraph 12.14
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conditions should not be attached simply where it is felt to be “appropriate” (paragraph 12.2) or where there is a “perceived need” (paragraph 12.20).

Paragraph 12.14 should also be re-drafted. The first sentence appears to be incomplete. This simply states “*the council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives*” but it does not go on to say what the consequence of that satisfaction would be. We assume that the sentence should refer to the refusal of an application or the attachment of additional conditions.

In addition, within the same paragraph, the second sentence should be re-drafted to reflect the fact that local risk assessments have been a requirement since 6th April, 2016.

Conclusion

The ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, the ABB and its members already do this successfully in partnership with local authorities now. This includes through the ABB Responsible Gambling Code, which is mandatory for all members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff.

		We would encourage local authorities to engage with us as we continue to develop both these codes of practice, which are in direct support of the licensing objectives, as well as our processes around local area risk assessments.	
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