

## Report of the Head of Elections, Licensing and Registration

### Report to Licensing Committee

**Date:** 7<sup>th</sup> July 2015

**Subject:** Gambling Act 2005 Statement of Licensing Policy

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

### Summary of main issues

1. Every three years the Council is required by the Gambling Act 2005 to review the Gambling Act 2005 Statement of Licensing Policy (Licensing Policy), and to consult upon any changes.
2. The three yearly review is taking place this year and officers have reviewed the current policy and made suggestions in line with changes to Gambling Commission's Licence Conditions and Codes of Practice. The public consultation took place April to June.
3. The next step is to present the consultation responses and the final draft of the policy for endorsement.

### Recommendations

4. That Licensing Committee reviews the consultation responses and endorses the consultation response and final draft of the policy before it proceeds through the approval process.
5. That Licensing Committee reviews the guidance documents and approves them in principal, with further minor amendments to be made by officers before coming into effect alongside the new policy in January 2016.

## **1.0 Purpose of this report**

- 1.1 To present to Licensing Committee the consultation responses (Appendix A) and the final draft of the policy (Appendix B) for endorsement.
- 1.2 To present to Licensing Committee accompanying guidance documents (Appendices C & D) relating to risk assessments and model conditions for approval in principle.

## **2.0 Background information**

- 2.1 Under Section 349 of the Gambling Act 2005 the Licensing Authority is required to prepare a statement of principles that they propose to apply in exercising their functions under this Act. This process is to be repeated every three years from 31<sup>st</sup> January 2007.
- 2.2 The consultation process is laid out clearly in the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 and the Guidance to Licensing Authorities issued by the Gambling Commission ([www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)).

## **3.0 Main issues**

- 3.1 This will be the fourth time that the council has reviewed and amended the Gambling Act 2005 Statement of Licensing Policy (Licensing Policy).
- 3.2 In the last three years there have been a number of issues that have come to the attention of councils nationwide. The most publicly reported of which is the increase in the number of fixed odds betting terminals in betting premises in deprived areas. In Leeds, although there has not been a significant change in the number of betting shops, there has been movement and more premises are opening in deprived areas. Each betting shop is able to site four fixed odds betting terminals.
- 3.3 In response to this concern, the Gambling Commission has consulted upon a change to the Licence Conditions and Codes of Practice (LCCPs) that are attached to Operator's Licence under the Gambling Act 2005 to require operators to complete locality-specific risk assessments and show the measures they use to mitigate the risks. Officers have reviewed the new LCCPs and have incorporated the changes into the Licensing Policy.
- 3.4 As part of the review and consultation process officers have contacted the responsible authorities (including West Yorkshire Police, Public Health, West Yorkshire Fire and Rescue Services, Leeds Safeguarding Children Board) who have made no comment.

3.5 The policy was presented for public consultation on the website, and by email and post to solicitors, licensees, support organisations, responsible authorities, ward members, MPs, trade associations, and parish councils. In total 171 emails and 120 letters were sent advising interested parties of the consultation. The consultation was also advertised on the council's Talking Point webpages.

3.6 The consultation had four responses. These are detailed along with the council's response in the consultation report at Appendix A.

3.7 Following the consultation, the responses to the consultation were considered and the policy was proof read again. A minor amendment was made to paragraph 13.10 to provide clarity:

*13.10 In order for location to be considered, 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 provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.*

3.8 Following discussion with other local authorities, the Local Government Association and the Gambling Commission on the new requirement for operators to complete local risk assessments from April 2016, a further amendment was made to the section on local licensing guidance (renamed Local Area Profiles) as follows:

#### *Local Area Profiles*

*13.17 Each locality has its own character and challenges. In order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the council may publish a local area profile. This profile, compiled in conjunction with the Community Hubs and approved by the Licensing Committee, can be obtained from Entertainment Licensing.*

*13.18 The local area profiles should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the profiles, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profiles will be presented to any subsequent licensing subcommittee when they determine an application that has received representations.*

*13.19 The council recognises that it cannot insist on applicants using the local area profiles when completing their risk assessments. However an applicant who decides to disregard the profiles may face additional representations and the expense of a hearing as a result.*

- 3.9 The final amendment was to the appendices at the end of the document which were updated with the latest gaming machine stakes and prizes and premises entitlements.
- 3.10 The final draft of the policy is attached at Appendix B.
- 3.11 The approval of the policy is a matter for full Council. The approval process follows the Budgetary and Policy Framework. The suggested timescale for approval is as follows:
- |                 |                                 |
|-----------------|---------------------------------|
| Executive Board | 15 <sup>th</sup> July 2015      |
| Scrutiny Board  | 14 <sup>th</sup> September 2015 |
| Executive Board | 21 <sup>st</sup> October 2015   |
| Council         | 11 <sup>th</sup> November 2015  |

### Guidance Documents

- 3.10 To accompany the new policy, and in line with the new requirements of the Operator's Licence Conditions and Codes of Practice, guidance documents relating to risk assessments and model conditions which could be included on the risk assessments have been developed by Westminster City Council and are likely to be adopted by the six largest licensing authorities. Westminster plans to consult widely upon the documents and final versions will be available to accompany the new policy in January 2016.
- 3.11 The draft documents have been modified to be suitable for Leeds and are provided at Appendix C and D for Members consideration and approval in principal with further amendments, if necessary, being made by officers following the consultation process undertaken by Westminster City Council.

## **4.0 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 The licensing policy is subject to a statutory consultation which was undertaken between April and June. The responses are included in the consultation report at Appendix A.

### **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 The licensing policy review process is subject to a EDCI Assessment, and a screening form has been completed. It is attached at Appendix E.

### **4.3 Council Policies and City Priorities**

- 4.3.1 The licensing regime contributes to the following Best Council Plan 2013-17 outcomes:
- Improve the quality of life for our residents, particularly for those who are vulnerable or in poverty;

- Make it easier for people to do business with us.

4.3.2 The licensing regime contributes to our best council objective:

- Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city.

#### **4.4 Resources and Value for Money**

4.4.1 A review of the effectiveness of specific consultation methods has been instrumental in reducing costs. The public consultation of the policy is now mostly undertaken by email, which has helped reduce the cost further.

#### **4.5 Legal Implications, Access to Information and Call In**

4.5.1 There are no legal implications for this report.

#### **4.6 Risk Management**

4.6.1 There are no issues relating to risk management.

### **5 Conclusions**

5.1 The Statement of Licensing Policy is under statutory review. A public consultation has been undertaken and the policy reviewed based on the comments received. The final draft policy and the consultation report are presented for endorsement by Licensing Committee. Approval is a matter for full Council following the Budgetary and Policy Framework therefore the next step is for the policy to be presented to Executive Board which is planned for the 15<sup>th</sup> July.

### **6 Recommendations**

6.1 That Licensing Committee reviews the consultation responses and endorses the consultation response and final draft of the policy before it proceeds through the approval process.

6.2 That Licensing Committee reviews the guidance documents and approves them in principle, with further minor amendments to be made by officers before coming into effect alongside the new policy in January 2016.

### **7 Background documents<sup>1</sup>**

7.1 There are no unpublished background documents that relate to this matter.

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.