



Report of the Director of Legal and Democratic Services

Executive Board

Date: 15 November 2006

Subject: Approval of a Statement of Gambling Policy

Electoral wards affected:

All

Specific implications for:

Equality and Diversity

Community Cohesion

Narrowing the gap

Executive Summary

1. This Report provides members of the Executive Board with a revised draft Statement of Gambling Policy under the Gambling Act 2005. The original draft of the Policy came before Executive Board in September 2006, and was referred to Overview and Scrutiny Committee in accordance with the Budgetary and Policy Framework Rules. The original draft was then considered by the Overview and Scrutiny Committee, and the Policy revised by Officers taking into account the comments of Scrutiny, together with the comments of those who responded to the consultation exercise. Executive Board are asked to consider the revised draft and refer the matter to Full Council, who will consider whether to approve the Statement of Gambling Policy at a special meeting in December 2006.

1.0 Purpose of this report

1.1 The purpose of this Report is to provide Executive Board with an updated and revised draft Policy on the licensing of gambling premises under the Gambling Act 2005. The revisions have been made following Scrutiny (in accordance with the Budgetary and Framework Rules) and responses to the consultation exercise.

2.0 Background information

2.1 The Gambling Act 2005 gives effect to Government proposals for the reform of the law on gambling. The Act contains a new regulatory system to cover the provision of all commercial gambling in Great Britain, other than the National Lottery and spread betting.

2.2 Leeds City Council is appointed as the Licensing Authority for Leeds, and will issue licences to premises for gambling within the Leeds district, together with various permits and notices to regulate smaller scale or ad hoc gambling. It should be noted that any operator wishing to provide gambling at premises must first have applied to the requisite operator for Personal Licences from the Gambling Commission before they can approach the Licensing Authority for a Premises Licence.

2.3 The Act requires the Council, as Licensing Authority, to aim to permit the use of premises for gambling insofar as the Authority thinks it:

- in accordance with the relevant Code of Practice
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the Licensing objectives
- in accordance with the Policy issued by the Licensing Authority under the Act

2.4 There are three licensing objectives under the Gambling Act 2005, and they 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 or other vulnerable persons from being harmed or exploited by gambling

2.5 Members will note that these objectives are different from the four objectives set out in the Licensing Act 2003. Specifically, they do not include public nuisance or public safety, and there is no positive duty to promote the objectives. In addition, the Act makes it clear that issues such as the need for gambling premises, or whether they have or will get planning permission are not relevant considerations on the granting of a Licence.

2.6 Transitional Arrangements

The transitional period is currently expected to commence on 1 January 2007. From this date, gambling operators will be able to approach the Gambling Commission to apply for Personal and Operator Licences. From 30 April 2007

those organisations who have made application to the Gambling Commission will then become eligible to apply to Leeds, as the Licensing Authority, for the necessary Premises Licence. These applications must be made to the Council by 31 July 2007. Existing operators who make the necessary application in this transitional window will qualify for continuation rights, which will allow them to continue trading once the Act is brought into full force. It is anticipated that the Act will come into full force on 1 September 2007.

3.0 Main issues

3.1 Consultation

Members will recall that at their meeting on 20 September 2006, it was resolved to refer the matter to Overview and Scrutiny Committee in accordance with the Budgetary and Policy Framework Rules. Overview and Scrutiny Committee considered the draft Statement of Policy on 9 October, together with the consultation responses and further information provided by the Entertainment Licensing Section on the extent of the consultation. As a result of their consideration, Overview and Scrutiny Committee produced a note of their discussion to assist Officers in their revision of the draft Policy. A copy of the note prepared and agreed by Overview and Scrutiny Committee is attached to this Report as **Appendix 1**.

Members may also recall seeing at the meeting on 20 September 2006 a Report on the outcome of the consultation on the draft Statement of Gambling Policy. That Report, together with the comments of Overview and Scrutiny, has been used to prepare a table of responses to the consultation. The table is attached as **Appendix 2** to this Report. It details the source of any comment on the draft Policy, together with details of the comments made or a summary of the comments, the proposed reply of the Council and any changes made to the Policy as a result. This is a key document and is designed to show clearly which comments from the consultation have been taken into account, and where changes have been made to the Policy as a result. The table also indicates where changes have not been made to the Policy despite a comment, and identifies the reason why that is the case. In the majority of situations, this is because the comment fell outside the scope of what the Council, as Licensing Authority, can achieve through its licensing policy.

3.2 Leeds Large Casino bid

Members may be aware that an appeal against the decision not to shortlist Leeds for the Regional Casino was not upheld by the Casino Advisory Panel. However, Leeds still has an existing bid for a Large Casino Licence. Members will recall that there are likely to be eight large Casinos nationally. The Large Casino bid is being co-ordinated through the Development Department. As part of the bid process, the Development Department has created a Casino Task Group through the Leeds Initiative, comprising of representatives of businesses, faith groups and other interested parties. The Task Group is chaired by Councillor Barry Anderson. The Development Department also commissioned a health, economic and social impact study, which looks at the current situation with gambling in Leeds and the possible effect of a large Casino, should the bid be successful. The final Report of the consultants was considered by the Casino Task Group on 30 October 2006. Relevant matters from the Casino Bid and the Report have been incorporated into the revised draft Policy.

3.3 A copy of the revised draft Policy is attached for Members to consider at **Appendix 3**.

4.0 Implications for council policy and governance

4.1 Due to the strict time frame imposed by the Gambling Act 2005, it has been necessary to call a meeting of Full Council in December in order to approve the final Statement of Gambling Policy. This meeting is scheduled for 13 December 2006.

4.2 It is intended to make necessary changes to the Constitution at the same time.

4.3 It will then be necessary to call a special meeting of the Licensing Committee to deal with the necessary delegation of functions under the Act to Sub-Committees and to Officers.

5.0 Legal and resource implications

5.1 New responsibilities will require additional temporary legal support to both Licensing Committee and the Entertainment Licensing Section, and a review of the existing resources within the Entertainment Licensing Section.

5.2 The final Policy must be taken into account when Officers and Members are making decisions on applications for Premises Licences and Permits under the Gambling Act 2005.

6.0 Conclusions

6.1 That Members should consider the comments of Overview and Scrutiny Committee and the consultation responses and decide whether to refer the revised draft for approval.

7.0 Recommendations

7.1 Members are requested to:

7.1.1 consider the responses to the consultation carried out, including the comments of Overview and Scrutiny Committee at Appendix 1 and the table of responses at Appendix 2, and endorse the proposed responses to the consultation exercise and recommend to Full Council that these be approved as the Council's response to matters raised in consultation;

7.1.2 note the revised draft Statement of Gambling Policy set out at Appendix 3, and recommend to Full Council that this be approved as the final Policy under the Gambling Act 2005.

OVERVIEW AND SCRUTINY COMMITTEE – COMMENTS ON THE STATEMENT OF GAMBLING POLICY.

On 4 September Overview and Scrutiny Committee received and considered a preliminary report on the Statement of Gambling Policy.

At this stage the Committee made some initial observations which were forwarded to officers and the Leader of Council.

The Committee's greatest concern at this stage was the seemingly limited range of those who have been consulted on the draft policy. Whilst acknowledging that some of its concerns might be alleviated when the full list of those who have been consulted was available, the Committee felt that, as the document stood at that stage it appeared that some key partners had not been consulted, particularly, District Partnerships, Area Committees, PCTs and faith organisations.

The Committee stressed that its wish to see these bodies consulted was not in any way a statement of whether the Committee did or did not support the provision of Casinos but a feeling that the absence of views from these organisations weakened the legitimacy of the policy.

It was also the Committee's view that consultation should not end with the publication of the policy, but should continue throughout the life of the document including during any review of its effectiveness.

On 9th October 2006 the Committee considered an updated report on the Draft Statement of Gambling Policy as part of the council's budget and policy framework procedure rules. This report included the results of the consultation on the draft policy.

A number of issues emerged from these discussions. Whilst satisfied that further consultation work had been undertaken a key concern of the Committee remained the need for the Council to establish robust mechanisms to ensure a continuing dialogue with those who may wish to comment on gambling. The Committee is not convinced that these mechanisms are in place.

Members also had concerns that the provisions of the Act itself limited the council's ability to exercise its legitimate role of promoting community wellbeing.

The key concepts of the Act, i.e. the licensing objectives of the Act 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, and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

The most common local issues such as nuisance, general disorder and public safety are not within the scope of the objectives, and therefore the Licensing Authority would not be able to accept any objection on these grounds as being relevant. This is of concern to the Committee.

The Committee is aware that enforcement and licence condition regulations have not yet been issued. ???The Council should therefore lobby the Minister of State for the Department of Culture, Media and Sport and the Gambling Commission for the right for councils to ensure community wellbeing.

Notwithstanding the above, members of the Committee are of the view that there are practical actions the council could now do.

Acknowledging the broader responsibilities of the Council, the Committee is of the view that the Council should use other arenas to discuss gambling, for example schools.

A key recommendation coming from the Scrutiny Inquiry into alcohol misuse was;

“That the Director of Legal and Democratic Services and the Director of Development arrange for the Development Plan Panel and the Licensing Committee meets to consider the consequences of licensing and planning policies on each other”.

The Committee recommends that this same approach is taken for gambling.

The alcohol commission also recommended;

“That the Head of Entertainment Licensing provides ward councillors with up to date information on all the on and off licensed premises in their ward, and the licensed hours and opening times for each of the premises”.

The Committee recommends that this principle is extended to premises offering gambling and that Ward Members are informed at the earliest possible opportunity by the Licensing Section and by the Development Department of any proposals relating to proposed gambling premises in their areas.