
Report of the Assistant Chief Executive (Corporate Governance)

Executive Board

Date: 4th November 2009

Subject: Gambling Act 2005 Statement of Licensing Policy

Electoral Wards Affected:

All

Specific Implications For:

Ethnic minorities

Women

Disabled people

Eligible for Call In

Not Eligible for Call In
(Council decision)



Executive Summary

This report provides members of the Executive Board with a revised draft Gambling Act 2005 Statement of Licensing Policy and the result of the public consultation.

Executive Board are asked to consider the revised draft and refer the matter to full Council, who will consider whether to approve the Gambling Act 2005 Statement of Licensing Policy in November 2009.

1.0 Purpose of This Report

- 1.1 The purpose of this report is to update Members on the review and public consultation of the Gambling Act 2005 Statement of Licensing Policy (**Appendix 1**). Revisions have been made to the public consultation draft following the public consultation and a final consultation report is attached at **Appendix 2**.

2.0 Background Information

- 2.1 The Gambling Act 2005 (“the Act”) gave effect to the Government's proposals for reform of the law on gambling. The Act introduced a new regulatory system to govern the provision of all commercial gambling in Great Britain, other than the regulation of spread betting. Leeds City Council was appointed as the Licensing Authority for Leeds, a function previously held by the Magistrates Court.

Licensing objectives

- 2.2 The Licensing Authority carries out its functions of the Act with a view to promoting the three licensing objectives set out at Section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support a 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.

Role of the Licensing Authority

- 2.3 Premises providing certain types of gambling require a premises licence issued by the Local Authority. Within this framework, the Licensing Authority's role is to ensure that given premises are suitable for providing gambling in line with the three objectives and any Codes of Practice issued by the Gambling Commission.

Statement of Licensing Policy

- 2.4 The first statement of licensing policy was adopted by full Council in December 2006.
- 2.5 The review and consultation on the second Statement of Licensing Policy was commenced in February 2009 with a peer review of the policy, followed by a first draft circulated to responsible authorities in April 2009.
- 2.6 The second draft came before Executive Board in July 2009 and was referred to full Council for debate in July 2009. Full Council approved the draft for public consultation with no amendments.

- 2.7 The second draft was also taken before Scrutiny Board (Central and Corporate) in order for the Board to input into the consultation methodology before the public consultation. Scrutiny Board made no comment.
- 2.8 Executive Board has already referred the revised policy and the results of any subsequent consultation to Scrutiny Board with the request that Scrutiny report back to Executive Board. A report will be taken to Scrutiny Board at their 2nd November 2009 meeting. Officers will give a verbal update from that meeting to Executive Board.

3.0 Main Issues

Consultation Process

- 3.1 The full consultation process is described in the Final Consultation Report attached at Appendix 2.

Responses to the public consultation

- 3.2 The council received 21 responses to the public consultation via the web form but only four of these included a comment.
- 3.3 The council received three written responses from the Racecourse Association Ltd, The British Beer & Pub Association and Rank Group.
- 3.4 The full text of the public consultation responses is contained in the Final Consultation Report which is attached at **Appendix 2**. The Consultation Report also details the amendments proposed following in response to the comments.

Adoption of the Policy

- 3.4 Approval of the policy is a matter reserved to full Council however the consideration of the policy before approval must follow the budgetary and policy framework rules which requires the policy to be considered by Executive Board, referred to Scrutiny Board (Corporate and Governance) and then further considered by Executive Board before being recommended for approval. Executive Board received the draft policy and the initial consultation results at their meeting in June 2009 and the matter is due to be reviewed by the Scrutiny Board at the 2nd November meeting. Officers will provide a verbal update of Scrutiny Board's findings.
- 3.5 It is for Executive Board to decide, at this meeting, to refer the revised policy to full Council on their 18th November meeting for formal adoption of the Policy.

4.0 Implications for Council Policy and Governance

- 4.1 Approval must follow Budgetary and Policy Framework Rules as set out in the Constitution.
- 4.2 The revised policy must be taken into account when making decisions on applications for gambling premises licences, permits and registrations.

5.0 Legal and Resource Implications

- 5.1 At the initial implementation of the Gambling Act 2005 additional legal support, both to the Committee and Entertainment Licensing Section, was provided. A review of the then existing resources within the Entertainment Licensing Section was also undertaken. No further resources are therefore required.

6.0 Conclusions

- 6.1 That Members should consider the comments of Scrutiny Board (Corporate and Governance) and the consultation responses and decide whether to refer the revised draft for approval.

7.0 Recommendations

- 7.1 Members are requested to:
- 7.2 Consider the responses to the consultation carried out, including the comments of Scrutiny Board given verbally at this meeting and the Final Consultation Report 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;
- 7.3 Note the revised draft Statement of Gambling Policy set out at **Appendix 1**, and recommend to full Council that this be approved as the final Policy under the Gambling Act 2005.

Appendices

- Appendix 1 Gambling Act 2005 Statement of Licensing Policy
Appendix 2 Final Consultation Report