

Report of Head of Licensing and Registration

Report to Executive Board

Date: 17th October 2012

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, and to consult upon any changes.
2. The three yearly review is taking place this year however as the council approved an amendment to the current policy to include information on the large casino licence last year, it was not proposed to make revisions to the current policy at this review, unless the public consultation reveals the need for a further change. The public consultation has now taken place and the council received two responses.
3. The policy is following the budgetary and policy framework and has now been presented to Scrutiny Board (Resources and Council Services) without comment.

Recommendations

1. That Executive Board note the contents of the report and refer the matter to full Council for approval in line with the Budgetary and Policy Framework at the November meeting.

1 Purpose of this report

- 1.1 To advise Executive Board that the triennial review of the Gambling Act 2005 Statement of Licensing Policy is underway with the public consultation having taken place.
- 1.2 To recommend that Executive Board refer the matter to full Council for approval in accordance with the Budgetary and Policy Framework.

2 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 31st 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).

3 Main issues

- 3.1 The council approved a revised Gambling Act 2005 Statement of Licensing Policy 2010 to 2012 in January 2012. The revisions included the insertion of a comprehensive section relating to the large casino but officers took the opportunity to revise other parts of the policy in light of recent legislation changes.
- 3.2 Officers, under the authorisation of a delegated decision notice, considered that further revisions were not necessary and took the current policy through a public consultation between 12th March and 1st June 2012.
- 3.3 The council received two written responses to the public consultation.
- 3.4 The Association of British Bookmakers responded on 26th April 2012 to advise that it was pleased that the Council was not intending to make any changes to the current policy and to request that we advise them if we do make any amendments.
- 3.5 The Racecourse Association Limited responded on the 30th May 2012. Three comments relate principally to the section on premises licences and how they relate to racecourses. Two of the comments relate to the section on tracks. Officers have considered the comments but do not consider that any further changes are required to the policy.
- 3.6 The council did not receive any responses via the online questionnaire.
- 3.7 The approval of the policy is a matter for full Council. The approval process follows the Budgetary and Policy Framework. The policy has now been to Executive Board and was referred to Scrutiny Board (Resources and Council Services) for consideration at their September meeting. Although Scrutiny Board had a number

of questions relating to gambling, there was no comment to be made to Executive Board.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 The Statement of Licensing Policy underwent a public consultation which ran from 12th March to 1st June 2012. The consultation was advertised through Talking Point. A press release was produced, and the consultation was advertised on the council's website.

4.1.2 The consultation was advertised by letter directly to 457 people and organisations including:

Organisations which represent the general public

- Elected Members, Members of Parliament
- Parish and Town Councils, Citizen Advice Bureaux

Partner Agencies

- West Yorkshire Police and British Transport Police
- West Yorkshire Fire and Rescue Service
- West Yorkshire Trading Standards Service
- Health and Safety Executive
- HM Revenue and Customs and The Border Agency
- LCC Development Department and Environmental Health Services
- Local Safeguarding Children Board
- NHS Leeds

Special interest groups

- Individual members of the public who had expressed an interest during the development of the revised Policy
- Special interest groups, specifically gambling addiction services
- Support organisations such as Alcoholics Anonymous, Victim Support, The Samaritans, Alcohol and Drugs Service
- Faith groups

Organisations which represent businesses in Leeds

- Business support organisations such as Federation of Small Businesses
- Businesses currently operating as gambling establishments
- Licensing Solicitors who had expressed an interest during the development of the revised Policy, or who are known to represent gambling establishments.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 The Gambling Act 2005 has three licensing objectives:

- a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- b) ensuring that gambling is conducted in a fair and open way, and

- c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

4.2.2 The licensing authority, in exercising their functions under the Act, shall aim to permit the use of premises for gambling in so far as it thinks it's reasonably consistent with the licensing objectives.

4.2.3 Therefore the council has produced a Statement of Licensing Policy with this in mind and has taken special consideration of the protection of children and vulnerable people.

4.3 Council policies and City Priorities

4.3.1 The Statement of Licensing Policy sets out the principles the council will use to exercise its functions under the Gambling Act 2005. Applicants for licences and permits for gambling are expected to read the Policy before making their application and the council will refer to the Policy when making its decisions.

4.3.2 The licensing regime contributes to the following aims:

By 2030, Leeds will be fair, open and welcoming

- Local people have the power to make decisions that affect them
- There is a culture of responsibility, respect for each other and the environment
- Our services meet the diverse needs of our changing population
- Everyone is proud to live and work

By 2030, Leeds' economy will be prosperous and sustainable

- Opportunities to work with secure, flexible employment and good wages

By 2030, all Leeds' communities will be successful

- Communities are safe and people feel safe

4.3.3 The licensing regime contributes to the following city priorities:

Best city... for communities:

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

4.4 Resources and value for money

4.4.1 Legal Services has provided informal advice at each stage of the policy development.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The development of a Policy under the Gambling Act 2005 is a matter for full Council and follows the Budgetary and Policy Framework which requires that Executive Board refers this matter to Scrutiny Board (Resources and Council Services) and then for it to be further considered by Executive Board before being

recommended to full Council for approval. Therefore this report is not available for call in as this matter has already been considered by Scrutiny.

- 4.5.2 The only recourse for persons applying for gambling licences and permits is appeal to the Magistrates Court, although anyone can take the policy to a judicial review within a certain time limit after approval. The Statement of Licensing Policy has been developed with transparency and fairness as a prime consideration.

4.6 Risk Management

- 4.6.1 Executive Board has the option of not referring the revised Policy to full Council at this time and requesting that further work is undertaken. This would impact on the policy timescales. A revised policy must be in place by January 2013 in order for the council to continue determining gambling licences and authorisations under the Gambling Act 2005.

5 Conclusions

- 5.1 The council has undertaken a 12 week public consultation on the Gambling Act 2005 Statement of Licensing Policy as required by the Gambling Act. This review and consultation is required every three years.
- 5.2 As a revised policy was approved by Council in January this year further revisions were not necessary prior to the public consultation. The council received two written responses to the consultation but does not intend to make any further revision in light of these responses.
- 5.3 The policy approval is a matter for Council following the Budgetary and Policy Framework. It is intended that the policy follows this framework with final approval expected by Council in November 2012.

6 Recommendations

- 6.1 That Executive Board note the contents of the report and refer the matter to full Council for approval in line with the Budgetary and Policy Framework at the November meeting.

Background documents¹

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

¹ 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.