

Report of Director, Communities & Environment

Report to Council

Date: 15th November 2018

Subject: Gambling Act 2005 Statement of Licensing Policy 2019 - 2021

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 changes relating to the inclusion of research results and strengthened requirements around risk assessments. The draft policy has been presented to the public for consultation in line with the requirements of the Act.
3. The Budgetary and Policy Framework has been followed and the policy has been considered by Licensing Committee and Scrutiny Board (Strategy and Resources). Executive Board, at their meeting on 17th October 2018, recommended that the matter be referred to Council for approval.

Recommendations

4. That Council approve the Gambling Act 2005 Statement of Licensing Policy 2019 – 2021 as the new policy to have effect from 31st January 2019.

1 Purpose of this report

- 1.1 To present for consideration of Council recommendations of the Executive Board regarding the Gambling Act 2005 Statement of Licensing Policy.

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 This will be the fifth time that the council has reviewed and amended the Gambling Act 2005 Statement of Licensing Policy 2019-2021 (the policy).

Changes since the publication of the last 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 (FOBTs) in premises in deprived areas and the impact these machines have on people vulnerable to problem gambling. In Leeds, although there has not been a significant change in the number of betting shops, there has been movement and more premises are open in deprived areas, however a change in Planning which put betting shops into a class of their own (sui generis) has not only halted this movement, but applications for new betting shop licences have reduced in the last three years.
- 3.3 In response to the publicity around FOBTs the Government has undertaken a review of stakes and prizes in relation to gaming machines and has determined to reduce the stake for an FOBT from £100 to £2, and has announced this will come into effect in April 2019.
- 3.4 Also in the last three years the Large Casino has opened in Leeds city centre in Victoria Gate. Victoria Gate Casino provides a regular payment into the Social Inclusion Fund, administered by the Financial Inclusion Team which has allowed the council to work closely with support providers and other agencies as part of a Problem Gambling Working Group in order to address matters relating to support for people with gambling problems, meeting the council's commitment to reduce the social and economic impact of gambling in Leeds.

- 3.5 This group, led by the Financial Inclusion Team, has been instrumental in producing the 'Beat the Odds' campaign which is designed to promote the support available to problem gamblers in Leeds. It has been instrumental in providing gambling awareness training to front line staff from the council and partner organisations, such as Citizen Advice, debt advisors, customer services etc. The group is trying to increase support provision for problem gambling within Leeds, by working with GamCare and NECA (North East Council on Addictions).
- 3.6 As part of the undertakings made when the ability to grant the licence was awarded to Leeds in 2008, the council recently commissioned research from Leeds Beckett University to identify the people most vulnerable to problem gambling in Leeds. This research detailed a number of groups that are vulnerable to problem gambling and increased national awareness of the problems facing citizens of metropolitan areas, such as Leeds, where the incidence of problem gambling is estimated to be twice the national average. The research findings have been included in this revision of the policy.
- 3.7 Discussions are underway between Leeds and York Partnership Foundation Trust and GambleAware to establish a residential problem gambling clinic in Leeds which will serve the north of England. GamCare is looking to increase support for problem gambling in Leeds as part of this project. However it's very early in this project and funding is yet to be secured.

Policy Review and Consultation

- 3.8 Very early in the review process the draft policy was discussed with partners at the Problem Gambling Working Group. It was agreed to:
- include the findings of the research undertaken by Leeds Beckett University; and
 - to strengthen the requirements on operators when completing the local risk assessments, as required by the Licence Conditions and Codes of Practice attached to all operators licences issued by the Gambling Commission.
- 3.9 These two main changes promote the council's aim to keep people safe from harm and protecting the most vulnerable. The working group's ongoing work around providing more suitable support for problem gamblers aims to help people out of financial hardship and the strengthening of the requirements on operators risk assessments tackles anti-social behaviour in gambling premises while being responsive to local needs, building thriving, resilient communities and promoting community respect and resilience.
- 3.10 Through the Council's Licensing Enforcement Group, and as part of the early policy review process officers also contacted the statutory responsible authorities (including West Yorkshire Police, Public Health, West Yorkshire Fire and Rescue Services, Leeds Safeguarding Children Partnership) who made no comments to the first draft of the policy.
- 3.11 Officers worked with Public Health and the council's Financial Inclusion Team on the inclusion of the matters related to the study the council commissioned from Leeds Beckett University into problem gambling in the policy.

- 3.12 The draft policy was approved for the purposes of consultation by the Director via Delegated Decision Notice in June 2018. It underwent a public consultation which ran from the middle of June to early August 2018. The consultation was advertised by way of letters and emails to over 600 businesses, agents, solicitors, ward councillors, MPs, parish and town councils and support organisations.
- 3.13 The council received five responses to the public consultation. Two were received from gambling operators, two from parish councils and one from a support organisation. The responses and the council response is detailed in the Consultation Report which is attached at Appendix 1. As the responses were received from public bodies and commercial companies the names of the organisations have been included.
- 3.14 A report and appendices was presented to Licensing Committee on the 4th September 2018. Licensing Committee endorsed the amended policy and Consultation Report.
- 3.15 A report and appendices was presented to Scrutiny Board (Strategy and Resources) on 10th September. Members were requested to provide comments and recommendations for Executive Board. The comments related to the lack of consultation responses.
- 3.16 The matter was referred to Executive Board who considered the response from Scrutiny Board and recommended that Council approve the policy.
- 3.17 The Statement of Licensing Policy 2019-21 is attached at Appendix 2.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The policy is subject to a statutory consultation. The consultation took place between the middle of June and early August 2018 with over 600 letters and emails being sent to the statutory consultees, including responsible authorities, all elected Members, Members of Parliament, town and parish councils who represent the public. In addition all gambling businesses, their agents and specialist licensing solicitors known to the council were consulted.
- 4.1.2 The council received five responses to the consultation which were discussed by Licensing Committee and by Scrutiny Board in September. The responses were included in the Consultation Report which was attached to the October Executive Report and are available on request.
- 4.1.3 Although five responses seems low, especially considering the high number of letters and emails that were sent to advertise the consultation, but this was the expected level of response. Consultation on licensing policies does not historically attract a large number of responses and a higher number is expected in cases where the public and interested parties are not in agreement with the contents of the policy. In this case the low level of consultation responses, in contrast to the large number of consultees, would indicate a high level of acceptance of the policy.

- 4.1.4 In addition, the Council undertook extensive consultation with interested parties during the development of the revised policy, including input from gambling addiction and support agencies, debt support agencies, public health, NHS addiction services and so through the Problem Gambling Working Group.
- 4.1.5 All attendees were able to contribute to the initial review of the policy, and discussions took place which culminated in the inclusion of the Leeds Beckett University research and to strengthen the requirements on operators when completing the local risk assessments, as required by the Licence Conditions and Codes of Practice attached to all operators licences issued by the Gambling Commission.

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 is 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.
- 4.2.4 The Licensing Policy review process is subject to an EDCI Assessment, and a screening form has been completed. It is attached at Appendix 3.

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 Best Council Plan 2015-20 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.
- 4.3.3 The licensing regime is linked to the Best Council Plan objectives:
- Supporting communities and tackling poverty, and
 - Becoming a more efficient and enterprising council

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 The development of a policy under the Gambling Act 2005 is a matter for full Council and follows the Budgetary and Policy Framework which provides a formal process for approval. This report is not available for call in as it has already been considered by Scrutiny.

4.6 Risk Management

- 4.6.1 Council has the option of not approving the Policy, for example if further work was required. This would impact on the policy approval timescales. A revised policy must be in place by January 2016 in order for the council to continue determining gambling licences and authorisations under the Gambling Act 2005.

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 were endorsed by Licensing Committee and Executive Board sought comments from Scrutiny Board (Strategy and Resources). The matter is now for Council to consider this report and approve the Policy should it consider it appropriate to do so.

6 Recommendations

- 6.1 That Council approve the Gambling Act 2005 Statement of Licensing Policy 2019 – 2021 as the new policy to have effect from 31st January 2016.

7 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.