

Gambling Act 2005 – Public Consultation on the Council’s Statement of Licensing Policy

Date: 6th July 2021

Report of: Chief Officer Elections and Regulatory

Report to: Licensing Committee

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

What is this report about?

- 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. The three yearly annual review is due to take place this year.
- Officers have worked with Members of the Licensing Committee and partners to produce a draft amended policy. It is a requirement of the Gambling Act 2005 that the public is consulted on any amendment to the policy. It is the council’s standard practice to undertake an online consultation, advertised by email and letter to the police and other interested parties under the Act.
- The licensing regime contributes to Best City Priorities 2019/21 (see the [latest version of the Best Council Plan](#)):
 - Culture
 - Safe, Strong communities
 - Inclusive Growth

Recommendations

For Licensing Committee to consider the draft Statement of Licensing Policy and authorise officers to commence the public consultation for a period of 6 weeks as required under the Gambling Act 2005, Section 349.

Why is the proposal being put forward?

- 1 The purpose of this report is to present to the Licensing Committee the draft Statement of Licensing Policy under the Gambling Act 2005 and to seek authority to consult with the public and interested parties on this draft policy by way of a 12 week public consultation.
- 2 The public consultation is required by the Act, but it is the usual practice of the council to seek approval from the Licensing Committee of the draft policy before consultation. The final approval of the policy after the consultation has been taken into consideration follows the council's Budget and Policy Framework where it will be presented to the Licensing Committee, Executive Board and Scrutiny Board before being recommended to full Council for adoption.

What impact will this proposal have?

Wards Affected: All

Have ward members been consulted? Yes No

- 3 This report presents the draft policy to the Licensing Committee to consider the draft and, if approved in draft form, to give permission for the draft policy to be subject to a public consultation. The consultation process is required under the Gambling Act 2005. However, this is not the only reason to consult with those affected. There may be unanticipated implications related to the proposed amendments, and the consultation provides the opportunity for those potential implications to be raised and considered accordingly.
- 4 Providing this opportunity for comment ensures that the policy is robust, as this is the period during the prescribed process when any issues with the content of the policy can be raised. This strengthens the council's position should the policy be subject to a judicial review.
- 5 The public consultation provides the opportunity to increase awareness of the principles the council will apply when determining applications under the Gambling Act 2005.
- 6 The consultation is carried out online, and advertised by email to licence holders, agents, local licensing solicitors and also organisations supporting vulnerable people including those who are experiencing problem gambling, and organisations representing residents. The consultation document is sent to all elected members, Leeds MPs and responsible authorities. As such the consultation is directed towards those people that may have an interest in the policy. People can respond either electronically or by post.
- 7 The draft Statement of Licensing Policy and the consultation process is subject to Equality Impact Screening, which is attached at Appendix B.

What consultation and engagement has taken place?

- 8 The draft Policy has been shared with partner organisations working with the council's Problem Gambling Project Group, but the input has been predominantly with Public Health and Financial Inclusion. The Licensing Committee has been consulted prior to this report and members have had an opportunity to provide input. At this stage the proposed amendments adequately addressed concerns expressed by the Licensing Committee.
- 9 The public consultation is a statutory requirement of the Gambling Act 2005.

- 10 The project timescales have been shortened due to disruption of the committee dates because of the coronavirus pandemic. Therefore it will not be possible for Executive Board to provide the formal six week notice to Scrutiny Committee as required by the Budget and Policy Framework. However the early planning of this report, and the consultation with elected members during the process has allowed Members to be aware of the proposed changes prior to the Scrutiny Board meeting allowing for a truncation of the normal timescales.

What are the resource implications?

- 11 No resource implications for the licensing authority have been identified. The electronic consultation method is relatively low cost.

What are the legal implications?

- 12 As a licensing authority, Leeds City Council is statutorily obliged to publish a statement of the principles it proposes to apply in exercising its functions under the Gambling Act. Before it does so, the authority is legally required to consult with the chief officer of police and with one or more persons who represent the interests of the gambling industry and with one or more persons who represent the interests of persons who are likely to be affected by the exercise of the authority's licensing functions. The review of the policy is subject to the Budget and Policy Framework and therefore will be referred by Executive Board to Scrutiny Board and, as such, is not subject to call-in.

What are the key risks and how are they being managed?

- 13 The key risk in this process is the option for Council to not adopt the policy, or for Executive Board or Scrutiny to request further work is undertaken before referral to council. In this case there is a risk that the policy will not be adopted in time to meet the statutory timescales and the previous policy will expire before the new policy is put in place. However, the number of applications the council receives under this regime is very low. Therefore the risk of the licensing authority making decisions without an adopted policy to consider is also low.

Does this proposal support the council's 3 Key Pillars?

Inclusive Growth Health and Wellbeing Climate Emergency

- 14 The licensing regime contributes to Best City Priorities 2019/20:

- Culture
- Safe, Strong communities
- Inclusive Growth

Options, timescales and measuring success

- 15 The current policy was adopted by Council in November 2018 and expires on the 31st January 2022.
- 16 The approval of the policy is a matter for full Council. The approval process follows the Budget and Policy Framework. The suggested timescale for approval is as follows:

9 th July to 27 th August	Public Consultation
7 th September	Final Policy to Licensing Committee for information
22 nd September	Executive Board for referral to Scrutiny Board
23 rd September	Scrutiny Board
20 th October	Executive Board for referral to Council
10 th November	full Council
1 st January	28 day notice period starts
31 st January	Policy comes into effect

Appendices

- 17 Appendix 1 – Draft Statement of Licensing Policy with tracked changes
- 18 Appendix 2 – ECDI Screening

Background papers

- 19 None