

Gambling Act 2005 – Review of Statement of Licensing Policy

Date: 16 October 2024

Report of: Director of Communities, Housing and Environment

Report to: Executive Board

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

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. The three yearly annual review is due this year.

Officers have worked with partners across the Council to review the policy. The draft policy has been presented to the public for consultation in line with the requirements of the Act. It elicited three responses. A consultation report has been produced detailing the amendments to the Policy following initial review and the public consultation. The revised policy and consultation report has been presented to Licensing Committee for information and Scrutiny Board for comment.

The Policy is now presented to Executive Board for final consideration before being recommended to full Council for adoption under the Budget and Policy Framework.

Recommendations

- a) Executive Board is requested to note the contents of the report and consider the final draft Policy which includes the outcomes from the statutory consultation exercise and any comments/recommendations from Scrutiny Board (Strategy and Resources).
- b) Executive Board is requested to recommend the final draft Policy to Full Council for adoption.

What is this report about?

- 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. The three yearly annual review is due this year.
- 2 Officers have worked with partners across the Council and city to review the policy. The draft policy has been presented to the public for consultation in line with the requirements of the Act. It elicited three responses. A consultation report (Appendix 1) has been produced detailing the amendments to the Policy following initial review and the public consultation.
- 3 The Statement of Licensing Policy is part of the council's Budget and Policy Framework and therefore in accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Full Council is responsible for its adoption. These arrangements are set out in Article 4 of the council's constitution.
- 4 As required by the Budget and Policy Framework Procedure Rules, it was agreed that the Statement of Licensing Policy (Appendix 2) would be referred to Strategy and Resources Scrutiny Board for consideration.
- 5 The outcome of the Board's deliberations is provided at Appendix 3, to inform Executive Board's consideration of the final proposals. The Executive Board is also required to report to Council how it has considered any Scrutiny Board recommendations.

What impact will this proposal have?

- 6 The Statement of Licensing Policy is a statement of the principles the licensing authority (the council) will apply when making determinations under the Gambling Act 2005. It is a statutory requirement that the policy is reviewed every three years. The review and revision of the Statement of Licensing Policy ensures that an up to date revised policy is in place when the exiting policy expires on 31st January 2025.
- 7 The Statement of Licensing Policy and the consultation process is subject to Equality Impact Screening, which is attached at Appendix 4.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 8 In Leeds, gambling harms is regarded as a matter of public health, and this has been the case since partnership working to address gambling related harms. Public Health co-lead on the partnership working arrangements and project delivery in the city and continue to provide advice, support, and evidence to guide possible interventions to reduce gambling harms.
- 9 Part of this work is to establish the Leeds Gambling Harms Group. This group, in existence for a number of years, looks at how best to implement change to mitigate gambling harm. It includes officers from all relevant parts of the council, including Entertainment Licensing, Public Health and Financial Inclusion, and external partners which provide support to those experiencing gambling harm such as Citizens Advice, GamCare, Leeds Community Gambling Service and the NHS Northern Gambling Service. This group includes officers that represent those vulnerable to gambling harm, for example Financial Inclusion and the city's Universities.
- 10 Leeds City Council's Public Health and Financial Inclusion teams co-lead partnership working arrangements, treatment service liaison and project delivery. Entertainment Licensing lead on

the licensing of physical gambling premises, enforcement of these same premises and lobbying through the Local Government Association and liaison with the Gambling Commission.

- 11 In addition, Public Health and Financial Inclusion have worked with the licensing authority to develop a mapping tool, to inform local area risks assessments (a requirement under the Gambling Act 2005 for applicants), and to further assist and strengthen any objections to licensing and planning applications. This excellent piece of cross council partnership work has already been used to model alcohol harm since 2018.
- 12 When compared to other areas the work to address gambling harm in the city is well developed. The Leeds approach has been recognised nationally by both the Local Government Association and the Gambling Commission and is a key reason for the city now hosting two treatment services (the NHS Northern Gambling Service and Leeds Community Gambling Service) in the city.
- 13 The Statement of Licensing Policy seeks to strengthen the Council's policy in this matter, to make a positive impact on the health and wellbeing of the city's residents.

What consultation and engagement has taken place?

Wards affected: all

Have ward members been consulted? Yes No

- 14 The draft policy was initially shared with partner organisations working with the council's Gambling Harm Group, but up to that point the input had been predominantly with Public Health and Financial Inclusion.
- 15 The draft policy was considered by Licensing Committee in July, and released for consultation by the Director of Communities, Housing and Environment by way of a [delegated decision](#). It was subject to a 4 week public consultation with the people and organisations required by the legislation. Briefly these comprise of businesses and people affected by the proposals. As part of this consultation the council's Gambling Harms Group, all ward members, all Members of Parliament, support organisations, and all licensed premises have been consulted. In addition the consultation was advertised on the council's website.
- 16 The public consultation had three responses from the Betting and Gaming Council, Gamcare and Talarus/Luxury Leisure. The council's response to these comments is provided in the consultation report. The policy has been amended in line with the responses.

What are the resource implications?

- 17 No resource implications for the authority have been identified.

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

- 18 There are no issues relating to risk management identified.

What are the legal implications?

- 19 Review of the Gambling Act Statement of Policy is a legal requirement and is also subject to the Constitutional procedures which control how the review should take place within the Budget & Policy Framework. The steps set out in this report should ensure that both statutory and Constitutional requirements are met.

- 20 The power to Call In decisions does not extend to decisions made in accordance with the Budget and Policy Framework Procedure Rules. The Statement of Policy has been developed – and will be recommended to Council for adoption as an Executive proposal – in accordance with those Rules. Accordingly, this decision of Executive is not eligible for Call In.

Options, timescales and measuring success

What other options were considered?

- 21 This is a statutory process set out in the Gambling Act 2005. Therefore options are limited. Council could decide not to adopt the policy, in which case the existing policy would expire and there would be no new policy to replace it. However this risk is low as the Budget and Policy Framework ensures that all interested parties, and all formal committees have been consulted and provided with opportunities to feed into the process.

How will success be measured?

- 22 Publication of an approved policy on 1st January 2025.

What is the timetable and who will be responsible for implementation?

- 23 The current policy was adopted by Council in November 2021, came into force on 31st January 2022 and expires on 31st January 2025.
- 24 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:
- | | |
|---------------------|---------------------------------|
| Scrutiny Board | 16 th September 2024 |
| Licensing Committee | 17 th September 2024 |
| Executive Board | 16 th October 2024 |
| Council | 13 th November 2024 |
- 25 The adopted policy will be published on 1st January to come into effect on 31st January. This publication will be the responsibility of Entertainment Licensing and will be progressed by the report author.

Appendices

- Appendix 1 – Consultation Report
- Appendix 2 – Statement of Licensing Policy
- Appendix 3 – S&R Scrutiny Minutes (Extract) (Minute No. 32 refers)
- Appendix 4 – Equality Impact Screening

Background papers

- None