

Report of the Chief Officer Elections and Regulatory

Report to Scrutiny Board (Strategy and Resources)

Date: 10th September 2018

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 (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 suggestions in line with changes to Gambling Commissions Licence Conditions and Codes of Practice. The reviewed policy has been presented to the public for consultation in line with the requirements of the Act. It has elicited five responses, two from gambling operators, one from a support organisation and two from parish councils.
3. Having reviewed these responses the revised Policy is now presented to Scrutiny Board (Strategy and Resources) for their comments before referring to Executive Board for onward referral for adoption to Council under the Budgetary and Policy Framework.

Recommendations

4. That Scrutiny Board (Strategy and Resources) consider the contents of the report and provide comments or recommendations to Executive Board in line with the Budgetary and Policy Framework.

1.0 Purpose of this report

- 1.1 To advise Scrutiny Board (Strategy and Resources) 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 request that Scrutiny Board (Strategy and Resources) consider the contents of the report and provide comments or recommendations to Executive Board in line with the Budgetary and Policy Framework.

2.0 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).

3.0 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 (Licensing 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 in premises in deprived areas. In Leeds, although there has not been a significant change in the number of betting shops, there has been movement and more premises are opening in deprived areas.
- 3.3 Also the Large Casino has opened in Leeds city centre. As part of the undertakings made when the ability to grant the licence was awarded to Leeds, the council commissioned research from Leeds Beckett University to identify problem gambling in Leeds. This research detailed a number of groups that are vulnerable to problem gambling. This information has been included in this revision of the policy.
- 3.4 As part of the review process officers have contacted the responsible authorities (including West Yorkshire Police, Public Health, West Yorkshire Fire and Rescue Services, Leeds Safeguarding Children Board) who have made no further comments.
- 3.5 Officers have worked with Public Health and the council's Financial Inclusion Team on matters related to the study the council commissioned into problem gambling.

- 3.6 The Licensing Policy draft was approved by Delegated Decision Notice in June 2018 and underwent a public consultation which ran from mid June to early August 2018. The consultation was advertised by way of letters and emails to over 300 businesses, ward councillors, MPs, parish and town councils and support organisations. The council has received five responses to the public consultation. Two have been received from gambling operators, two have been received from parish council and one from a support organisation. The Consultation Report is attached at appendix 1. As none of the responses are from individuals, the names of the organisations have been included.
- 3.7 The responses have been reviewed and a summary of the resultant changes are included within Appendix 1. The amended Licensing Policy with track changes is attached at Appendix 2.
- 3.8 The approval of the policy is a matter for full Council. The approval process follows the Budgetary and Policy Framework. The suggested timescale for approval is as follows:

Scrutiny Board	10 th September
Executive Board	17 th October
Council	14 th November

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The Licensing Policy is subject to a statutory consultation. It is planned to use this opportunity to consult with the statutory consultees and ward member, parish and town councils and Citizen Advice Bureau.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 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 licensing regime contributes to the following Best Council Plan 2018-21 outcomes:

- Keeping people safe from harm, protecting the most vulnerable
- Helping people out of financial hardship
- Tackling crime and anti-social behaviour
- Being responsive to local needs, building thriving, resilient communities
- Promoting community respect and resilience

- 4.3.2 The licensing regime contributes to our best Council ambition of being an efficient and enterprising organisation

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 There are no legal implications for this report.

4.6 Risk Management

- 4.6.1 Scrutiny Board has the option of recommending that further work is undertaken. The risk is this would impact on the policy approval timescales. A revised policy must be in place by January 2019 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 has been presented for endorsement to Licensing Committee on the 4th September (verbal report of the outcome of that meeting to be presented by officers due to the tight timescales).
- 5.2 Approval of the Policy is a matter for full Council following the Budgetary and Policy Framework therefore the next step is for the policy to be presented to Executive Board along with comments or recommendations from Scrutiny Board. The next available Executive Board is on 17th October.

6 Recommendations

- 6.1 That Scrutiny Board (Strategy and Resources) consider the contents of the report and provide comments or recommendations to Executive Board in line with the Budgetary and Policy Framework.

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.