
Report of the Assistant Chief Executive (Corporate Governance)

Scrutiny Board (Central and Corporate Functions)

Date: 6th July 2009

Subject: Consultation Process for Gambling Act 2005 Statement of Licensing Policy

Electoral Wards Affected:

All

Specific Implications For:

Ethnic minorities

Women

Disabled people

Executive Summary

This report advises Scrutiny Board that Entertainment Licensing intend to review and publicly consult on the Gambling Act 2005 Statement of Licensing Policy as required by the Gambling Act 2005. This report includes the methodology used for the consultation process and presents the second draft of the Policy for comment.

1.0 Purpose of This Report

- 1.1 This report is to provide information regarding the consultation process for the review and public consultation on the Gambling Act 2005 Statement of Licensing Policy and to present the second draft (**Appendix 1**) for comment.

2.0 Background Information

- 2.1 Under Section 349 of the Gambling Act 2005 ('the Act') the Licensing Authority is required to prepare a statement of principles that they propose to apply in exercising their functions under this Act during that period and to publish the statement.
- 2.2 This process is to be repeated every three years from 31st January 2007. The consultation procedure is laid out clearly in the Gambling Act 2005 (extract at **Appendix 2**) and the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (**Appendix 3**). The consultation process is being followed with regard to HM Government's Code of Practice on Consultation.
- 2.3 The final version of the Policy must be published by 3rd January 2010.

3.0 Main Issues

- 3.1 The Act requires that the licensing authority consults with:
- a. The Chief Officer of the Police
 - b. One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
 - c. One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.
- 3.2 In addition to the requirements of the Act, the Secretary of State issued a further statutory instrument, The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006, which required specific information to be included in the policy.
- 3.3 Leeds City Council published its first Gambling Act 2005 Statement of Licensing Policy in January 2007.
- 3.4 The Council intends to consult widely on the reviewed Policy. For quick reference the process will be as follows:
1. First draft reviewed by Entertainment Licensing and Legal Services
 2. First draft reviewed by responsible authorities and key stakeholders
 3. Second draft reviewed by Executive Board
 4. Second draft and consultation process reviewed by Scrutiny Board
 5. Second draft reviewed by full Council
 6. Third draft public consultation
 7. Final draft reviewed by Scrutiny Board
 8. Final draft reviewed by Executive Board
 9. Final draft reviewed by full Council

- 3.5 The first draft has been sent to Legal, the Renaissance Unit, Leeds Initiative and the responsible authorities:
- Gambling Commission
 - West Yorkshire Police
 - West Yorkshire Fire & Rescue Service
 - LCC Environmental Health Services
 - Local Safeguarding Children Board
 - HM Revenues and Customs
- 3.6 Comments were received from West Yorkshire Police seeking clarification of gaming machines in commercial clubs and from Social Services regarding issues with the definition of children and vulnerable adults. The West Yorkshire Police comment was easily rectified with an additional paragraph being inserted. Officers from Entertainment Licensing met with Adult Social Care to discuss the issues raised. A full list of the amendments made to the policy has been attached in the Interim Consultation Report at **Appendix 4**.
- 3.7 In 2007 following the review of the Licensing Act 2003 Statement of Licensing Policy, comments were made that indicated full Council would have found it useful if there had been debate regarding the Policy to air some issues and to assist officers in their first draft of the Policy. Therefore officers took a report to LMT in March to request a steer regarding the involvement of full Council at an earlier stage in the review process. It was decided that the draft policy be reviewed and debated at full Council in July.
- 3.8 The public consultation will be held between 3rd August and 2nd October. This is shorter than the recommended 12 week consultation period as recommended in HM Government's Code of Practice on Consultation, but necessary in order to meet both the requirement for full Council debate in July and Scrutiny Board in November. Officers still consider that a nine week consultation will allow Parish/Town Councils and Area Committees to discuss this matter within their normal meeting schedule and is in excess of the four week consultation required by the Gambling Act 2005.
- 3.9 The public consultation will include:
- Gambling Commission
 - West Yorkshire Police
 - West Yorkshire Fire & Rescue Service
 - LCC Environmental Health Services
 - Local Safeguarding Children Board
 - HM Revenues and Customs
 - Representatives of local businesses (including Leeds Chamber of Commerce and the federation of Small Businesses)
 - National bodies representing the Gambling Trade
 - Representatives of existing licence holders
 - Members of the public via an advertisement in a local paper, posters in publicly accessible places such as libraries and one stop shops

- Community representatives (including all Members)
- Faith groups within the Leeds district
- Town Councils in the district
- Parish Councils in the district
- Area Committees
- Local Members of Parliament

- National charities concerned with the social impact of gambling
- Other charities who provide support for alcohol and drug users

- Leeds Initiative
- Yorkshire Forward
- Yorkshire Culture
- Leeds Citizen Advice Bureau
- Primary Care Trusts
- Leeds City Council Department of Neighbourhood and Housing
- Leeds City Council Environmental Health Services
- Leeds City Council's Development Department
- Leeds City Council's City Development

3.10 The postal consultation will take the form of a single sided letter, which will detail how the Policy can be accessed as follows:

- Via a webpage
- Copies placed in libraries, one stop shops, leisure centres etc.
- Requesting a copy of the policy by post.

3.11 In addition A3 posters will be placed in one stop shops, libraries and leisure centres along with a copy of the policy. It is also planned to place an advert in the Yorkshire Evening Post, put a news item on the council's website and place a story in "About Leeds" which is delivered to every household. Officers are currently preparing a press release with the Press Office.

3.12 Previously, the consultation process has included a questionnaire but it is felt that this is not helpful as it directs the consultee to making specific conclusions about the policy. It is felt that leaving the commentary open will allow consultees to make their own response in a way they feel is useful to the Council. This is especially pertinent to the fact that this is a review of an existing Policy which has already undergone such a detailed and directed consultation. Comments can be made either in writing, via email or via a web form on the website.

3.13 The final draft, including a summary of responses, will be presented to Scrutiny Board in November, Executive Board and full Council in December. The Act requires that the Statement of Licensing Policy be published by 3rd January 2010.

3.14 It should be noted that the timescales set out in the Gambling Act 2005 would not allow the Council to consult sufficiently to include detailed principles relating to the large casino application process. It is intended to place a holding paragraph in the Policy this year, with a view to reviewing that part of the Policy on its own once the Casino Project Board has established the principles they need to include in the

Policy to ensure that Leeds receives the best possible outcome from the casino application process.

4.0 Implications for Council Policy and Governance

4.1 Due to the strict timeframe, it will be necessary to call a meeting of full Council in December of this year in order to approve the final Statement of Gambling Policy.

4.2 The timeframes do not allow for any slippage as the Policy must be published by 3rd January 2010.

5.0 Legal and Resource Implications

5.1 No significant resource implications identified.

5.2 The Policy lays down the council's main principles for exercising its functions under the Gambling Act 2005 and can be challenged by both the trade and public. Therefore, it is necessary to ensure that the Policy is legally watertight and any departures from the guidance issued by the Government or the Gambling Commission can be fully and comprehensively justified.

5.3 The consultation procedure is laid out in the Gambling Act 2005, and the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006. The consultation process is being followed with regard to HM Government's Code of Practice on Consultation.

6.0 Conclusions

6.1 The purpose of this report is to advise Scrutiny Board on the methodology of the forthcoming review of the Gambling Act 2005 Statement of Licensing Policy.

7.0 Recommendations

7.1 Members are requested to note the contents of this report and the accompanying appendices and to provide comments as they feel appropriate.

Appendices

Appendix 1	GA2005 Statement of Licensing Policy Second Draft V1
Appendix 2	Extract of Gambling Act 2005
Appendix 3	Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006
Appendix 4	Interim Consultation Report