

Agenda Item:

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Report of the Assistant Chief Executive (Corporate Governance)

Licensing Committee

Date: 4th August 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 is to update the Licensing Committee on the progress of the review of the Gambling Act 2005 Statement of Licensing Policy as required by the Gambling Act 2005.

1.0 Purpose of This Report

1.1 This report is to update Licensing Committee of the progress of the consultation on the Gambling Act 2005 Statement of Licensing Policy.

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. This process is to be repeated every three years from 31st January 2007.

2.2 The consultation procedure is laid out clearly in the Gambling Act 2005 and the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006. The consultation process has regard to the Department for Business, Innovation and Skills' Code of Practice on Consultation.

3.0 Main Issues

3.1 The Gambling Act 2005 Statement of Licensing Policy is due to be reviewed this year for adoption by Full Council in December.

3.2 In general 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.

3.3 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.

3.4 The Council intends to consult widely on the reviewed Policy. The first draft was sent to Legal and the Renaissance Unit and the following responsible authorities:

- Gambling Commission
- West Yorkshire Police
- West Yorkshire Fire & Rescue Service
- LCC Environmental Health Services
- Local Safeguarding Children Board
- HM Revenues and Customs

3.5 Comments were received from West Yorkshire Police regarding the provision of gaming machines in club premises. It was noted that a clarifying paragraph was added to the Gambling Commission Guidance to Licensing Authorities in their second edition. This paragraph has been added to the table of gambling machines in the Policy.

- 3.6 Comments were also received from Social Care regarding the objective of Protection of Children and Vulnerable People. Officers from Licensing met with officers from Adult Social Care and this section was rewritten entirely. The detail regarding the amendments can be found in the Interim Consultation Report (appendix 1)
- 3.7 A full public consultation will now take place on the Public Consultation Draft (appendix 2) which will incorporate any comments raised by the initial consultation. The public consultation will include:
- Responsible Authorities
 - 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/ Parish Councils in the district
 - 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
- 3.8 This public consultation will take place between 3rd August and 2nd October. This is a nine week consultation. Although the Regulations require a four week consultation period, officers try to abide by the Code of Practice on consultation issued by the Department for Business, Innovation and Skills and published in July 2008. This Code of Practice recommends a 12 week consultation. Although it has not been possible to provide this length of consultation due to council meeting schedules, officers have given the maximum amount of time possible (nine weeks) to allow Parish/Town Councils and Area Committees to discuss this matter within their normal meeting schedule.
- 3.9 The 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, civic buildings etc.
- Requesting a copy of the policy by post.

3.10 The final draft, including a summary of responses, will be presented to Overview and Scrutiny in September, Executive Board in October/November and Full Council in December. The Act requires that the Statement of Licensing Policy be in place by 3rd January 2010.

3.11 It should be noted that the timescales set out in the Gambling Act 2005 would not allow the Council to consult sufficiently on the first draft 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 This report is to update Licensing Committee rather than to consult on the policy, therefore any implications for Council Policy and Governance will be identified and addressed during the presentation of the policy itself to Overview and Scrutiny, Executive Board and Full Council later in the year.

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 has regard to the Department for Business, Enterprise and Regulatory Reform's Code of Practice on Consultation.

6.0 Conclusions

6.1 The purpose of this report is to update the Licensing Committee on the 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.