

OVERVIEW AND SCRUTINY COMMITTEE

MONDAY, 9TH OCTOBER, 2006

PRESENT: Councillor G Driver in the Chair

Councillors B Anderson, J Bale, B Cleasby,
P Grahame, B Lancaster, T Leadley and
R Pryke

34 Declaration of Interests

Councillor Anderson declared personal interests in respect of the following items:-

Agenda Item 7 (Minute No.36 refers) – Scrutiny Inquiry ‘Narrowing the Gap’ (Lead Member on ‘Narrowing the Gap’)

Agenda Item 8 (Minute No.37 refers) – Leeds Statement of Gambling Policy (Chair of Leeds Casino Advisory Group)

35 Minutes - 4th September 2006

RESOLVED – That the minutes of the meeting held on 4th September 2006 be confirmed as a correct record.

36 Scrutiny Inquiry - 'Narrowing the Gap'

Further to Minute No 16, 3rd July 2006, the Committee considered reports submitted by the Head of Scrutiny and Member Development and the Director of Neighbourhoods and Housing relating to the Council's 'Narrowing the Gap' objective, and received evidence from the Leader of the Council and Council Officers in this regard.

In attendance at the meeting were Councillor Mark Harris, Leader of the Council, Sue Wynne and Stephen Boyle (Neighbourhoods and Housing) and Martin Gray (Chief Executive's Department). A written summary of evidence received is attached to the minutes.

RESOLVED –

- (a) That the proposed Terms of Reference for the Committee's Inquiry be approved.
- (b) That the Chair be nominated as this Committee's representative to be co-opted onto the 'Narrowing the Gap' Project Group for the duration of the Inquiry.

(NB: Councillor Grahame joined the meeting at 10.00 am during the consideration of this item)

37 Council's Statement of Gambling Policy

Further to Minute No 28, 4th September 2006, the Director of Legal and Democratic Services submitted a report outlining the results of the public consultation regarding the Council's draft Statement of Gambling Policy and enclosing a revised draft version of the Policy Statement, which would now be submitted to the Executive Board on 15th November and Full Council on 13th December 2006 for approval. The Council's Policy had to be published by 3rd January 2007.

In attendance at the meeting were Nicola Raper and Anne Marie Pollard (Legal Services) and Steve Speak and Colin Mawhinney (Development Department). In brief summary, the main areas of discussion were:-

- On 4 September, Overview and Scrutiny Committee had received and considered a preliminary report on the Statement of Gambling Policy.

At this stage the Committee made some initial observations which were forwarded to officers and the Leader of Council.

The Committee's greatest concern had been the seemingly limited range of those who had been consulted on the draft policy. Whilst acknowledging that some of its concerns might be alleviated when the full list of those who had been consulted was available, the Committee felt that, as the document stood at that stage, it appeared that some key partners had not been consulted, particularly, District Partnerships, Area Committees, PCTs and faith organisations.

The Committee had stressed that its wish to see these bodies consulted was not in any way a statement of whether the Committee did or did not support gambling, but a feeling that the absence of views from these organisations weakened the legitimacy of the policy.

It was also the Committee's view that consultation should not end with the publication of the policy, but should continue throughout the life of the document including during any review of its effectiveness.

- The Committee considered an updated report on the Draft Statement of Gambling Policy against the above background. This report included the results of the consultation on the draft policy.

A number of issues emerged from these discussions. Whilst satisfied that further consultation work had been undertaken, a key concern of the Committee remained the need for the Council to establish robust mechanisms to ensure a continuing dialogue with those who may wish to comment on gambling. The Committee was not convinced that these mechanisms were in place.

- Members also had concerns that the provisions of the Act itself limited the Council's ability to exercise its legitimate role of promoting community wellbeing.

The key concepts of the Act, i.e. the licensing objectives of the Act are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- ensuring that gambling is conducted in a fair and open way, and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

The most common local issues such as nuisance, general disorder and public safety are not within the scope of the objectives, and therefore the Licensing Authority would not be able to accept any objection on these grounds as being relevant. This was of concern to the Committee.

The Committee was aware that enforcement and licence condition regulations have not yet been issued. The Committee felt that the Council should therefore lobby the Minister of State for the Department of Culture, Media and Sport and the Gambling Commission for the right for Councils to ensure community wellbeing.

- Notwithstanding the above, members of the Committee were also of the view that there are practical actions the Council could now do:-

Acknowledging the broader responsibilities of the Council, the Committee was of the view that the Council should use other arenas to discuss gambling, for example schools.

A key recommendation coming from the Scrutiny Inquiry into Alcohol Misuse was;

“That the Director of Legal and Democratic Services and the Director of Development arrange for the Development Plan Panel and the Licensing Committee to meet to consider the consequences of licensing and planning policies on each other”.

The Committee recommends that this same approach is taken for gambling.

The Alcohol Misuse Commission also recommended;

“That the Head of Entertainment Licensing provides Ward Councillors with up to date information on all the on and off

licensed premises in their Ward, and the licensed hours and opening times for each of the premises”.

The Committee recommends that this principle is extended to premises offering gambling and that Ward Members are informed at the earliest possible opportunity by the Licensing Section and by the Development Department of any proposals relating to proposed gambling premises in their areas.

RESOLVED – That the above comments be forwarded from this Committee for consideration by the Executive Board on 15th November 2006.

38 Work Programme

The Head of Scrutiny and Member Development submitted the Committee’s work programme, updated to reflect decisions taken at previous meetings, together with a relevant extract of the Council’s Forward Plan of Key Decisions and a copy of the minutes of the Executive Board meeting held on 20th September 2006.

With reference to the ‘Narrowing the Gap’ Inquiry, Members felt that as part of the ‘Obtaining the Community Perspective’ element, it would be helpful to go out into different locations and obtain residents views, perhaps by establishing small working groups for each identified area, which could then feed their views into the main Inquiry. It was agreed that the Head of Scrutiny and Member Development should liaise with OSC Members to develop this idea.

RESOLVED – That the Committee’s work programme be approved and accepted.

39 Dates and Times of Future Meetings

Monday 6th November 2006
Monday 4th December 2006
Monday 8th January 2007
Monday 5th February 2007
Monday 5th March 2007
Monday 2nd April 2007

All at 10.00 am (pre-meetings at 9.30 am)