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**Report of the Assistant Chief Executive (Corporate Governance)**

***Scrutiny Board (Central and Corporate Functions)***

**Date: 2<sup>nd</sup> November 2009**

**Subject: Gambling Act 2005 Statement of Licensing Policy**

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**Electoral Wards Affected:**

All

**Specific Implications For:**

Ethnic minorities

Women

Disabled people

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**Executive Summary**

This report updates Scrutiny Board on the public consultation on the Gambling Act 2005 Statement of Licensing Policy as required by the Gambling Act 2005. This report includes the final consultation report and presents the final draft version of the Policy for comment.

## **1.0 Purpose of This Report**

- 1.1 This report is to advise Scrutiny Board of the result of the public consultation (**Appendix 1**) and to present the final draft of the Gambling Act 2005 Statement of Licensing Policy (**Appendix 2**) 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 31<sup>st</sup> January 2007. 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 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 3<sup>rd</sup> 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 and is now due to publish its second Policy in line with the legislation.
- 3.4 Scrutiny Board were advised of the consultation methodology in June 2009. Since that time the council has taken the policy through a public consultation process. There were four postal responses and four responses via the web from members of the public. The details are included in the Final Consultation Report (**Appendix 1**).

3.5 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 provide Executive Board with a verbal update from this meeting in order for the Policy to be presented for approval at full Council in November.

4.2 The timeframes do not allow for any slippage as the Policy must be published by 3<sup>rd</sup> 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 results of the public consultation 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 Final Consultation Report

Appendix 2 Gambling Act 2005 Statement of Licensing Policy Final Draft