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## Report of the Director of Legal and Democratic Services

### Executive Board

Date: 14 March 2007

Subject: Amendment to Part F of the Council's 'Gambling Act 2005 - Statement of Licensing Policy'

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**Electoral wards affected:**

All

**Specific implications for:**

Equality and Diversity

Community Cohesion

Narrowing the gap

Eligible for Call In

Not Eligible for Call In

(Details contained in the report)

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### Executive Summary

1. This report provides members of the Executive Board with information about a proposed rewrite of Part F of the council's 'Gambling Act 2005 - Statement of Licensing Policy'. Members will recall that Part F of the policy sets out the manner in which the council should determine any competing applications it may receive for a large casino licence. At the time the policy was approved Leeds was still awaiting the announcement of the Casino Advisory Panel (CAP) on the outcome of its bid to licence a large casino. Given Leeds has now been recommended by the CAP as one of the locations for a new large casino, officers believe it would now be beneficial to consider a complete rewrite of Part F of the policy to tighten up the provisions around the manner in which the council should invite and determine competing applications.

## **1.0 Purpose of this report**

- 1.1 The purpose of this report is to ask Executive Board to authorise officers to undertake a consultation on a revision to Part F of the council's 'Gambling Act 2005 – Statement of Licensing Policy'. Part F of the policy sets out the manner in which the council should determine any competing applications it may receive for a large casino licence.

## **2.0 Background information**

- 2.1 The Gambling Act 2005 (the Act) gives effect to Government proposals for the reform of the law on gambling. The Act contains a new regulatory system to cover the provision of all commercial gambling in Great Britain, other than the National Lottery and spread betting.
- 2.2 Leeds City Council is appointed as the Licensing Authority for Leeds, and will issue licences to premises for gambling within the Leeds district, together with various permits and notices to regulate smaller scale gambling.
- 2.3 Another key provision of the new Act is the introduction of three new categories of larger casino; 1 super/regional casino, 8 large casinos and 8 small casinos.
- 2.3 Large casinos will have a minimum total customer area of 1,500m<sup>2</sup>. This category of casino will be able to offer casino games, bingo and/or betting and up to 150 category B1 (£4,000) jackpot gaming machines.

## **3.0 Main issues**

- 3.1 Redraft of Part F of the council's 'Gambling Act 2005 – Statement of Licensing Policy'
- 3.1.1 This report provides members of the Executive Board with information about a proposed rewrite of Part F of the Council's 'Gambling Act 2005 - Statement of Licensing Policy'. The current version of the policy was approved by Full Council at a special meeting called for that purpose in December 2006. At this time the council was still awaiting the determination of the Casino Advisory Panel as to whether Leeds' application to licence a new style 'large' casino had been successful.
- 3.1.2 On the 30th January 2007 the Casino Advisory Panel announced that Leeds had been successful in its bid and that the Panel would be recommending to the Secretary of State for Culture Media and Sport to lay an order before Parliament giving effect to its recommendations.
- 3.1.3 Given the likelihood that this order will be laid officers are recommending that Executive Board authorise them to begin redrafting Part F of the 'Statement of Licensing Policy' to tighten up the provisions around the manner in which the council should invite and determine competing applications.
- 3.1.4 Particularly officers are now minded to incorporate some of the recommendations detailed in the 'Heath, Economic and Social Impact Study' commissioned by the Development Department and produced by the consultants PMP which was used to support the bid. In addition officers will also look at whether it is now appropriate to offer operators some indications of the preferred sites for this facility within the policy statement.

- 3.1.5 Members are advised that the DCMS has just recently issued a draft paper outlining its proposed arrangements for the competitive exercise. It sets out proposals for the timing of competitions and the manner in which local authorities should advertise the competitions. The paper also lays down guidance about what matters licensing authorities should have regard to in making their determinations.
- 3.1.6 This paper forms the foundations of a code of practice that will be released later this year which will offer guidance to authorities on these matters. In addition a separate consultation exercise will also take place around the secondary legislation referred to at Para 2 of Schedule 9 of the Act that will lay down in statute the procedure to be followed by licensing authorities about the publication of invitations, including provision as to the manner and timing of publication and the matters to be published and about the timing of responses. Officers are now reviewing this draft paper to see if any changes to Part F of the policy are required as a result.
- 3.1.7 Officers are proposing to consult on a revised Part F as soon as it is practicable and will report the findings of the consultation back to Executive Board at their meeting in June.

#### **4.0 Implications for council policy and governance**

- 4.1 An amendment to the council's 'Statement of Licensing Policy' under the Gambling Act 2005 is a matter reserved for Full Council. It will be important to ask Full Council to consider the revision in time for the council to begin inviting the applications in line with the regulations referred to at para 3.1.6 above.

#### **5.0 Legal and resource implications**

- 5.1 The council's 'Gambling Statement of Licensing Policy' must be taken into account when Officers and Members are making decisions on applications for Premises Licences and Permits under the Gambling Act 2005. This includes any applications for a large casino licence.

#### **6.0 Conclusions**

- 6.1 The opportunity to revise Part F of the council's 'Gambling Statement of Licensing Policy' should be taken as a matter of urgency. This will allow the council, to approve a policy document which is better equipped to assist the council with the very complex task of ranking competing applications and may protect the council against judicial review.

#### **7.0 Recommendations**

- 7.1 Members are requested to:

7.1.1 Note the contents of this report and authorise officers to undertake a consultation on a revision to Part F of the council's 'Gambling Act 2005 – Statement of Licensing Policy' as soon as practicable.