

LEEDS CITY COUNCIL

MEETING OF THE COUNCIL

Held on

Wednesday 13th December 2006

At

THE COUNCIL CHAMBER,
CIVIC HALL, LEEDS

In the Chair:

THE LORD MAYOR
(Councillor M Iqbal)

VERBATIM REPORT OF PROCEEDINGS

GAMBLING ACT MEETING

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VERBATIM REPORT OF PROCEEDINGS OF LEEDS CITY COUNCIL MEETING
HELD ON WEDNESDAY 13TH DECEMBER 2006

THE LORD MAYOR: Good afternoon everyone. If we could switch off all the electrical equipment and mobile phones. It has been a while since I have received any contribution towards the Lord Mayor's charity. You are all doing a good job.

DECLARATIONS OF INTEREST

THE LORD MAYOR: Item 1, Declarations of Interest, which is on display submitted by members is on display in the ante room and also on deposit in public galleries and has been circulated to each member's place in the Chamber. Are there any further declarations to be made?

COUNCILLOR BARKER: I wish to declare an interest in Item 1 as a member of a casino.

COUNCILLOR LANCASTER: Can I declare an interest as a board member of the North-East ALMO to that relevant item?

COUNCILLOR J ELLIOTT: I would like to declare an interest, I am a board member of the South ALMO.

COUNCILLOR BEVERLEY: Lord Mayor, I would like to declare a personal and prejudicial interest in Item 3 as a close family member works at Morley Sports Centre.

THE LORD MAYOR: Councillor Parker, ALMO board member. Any further declarations? Can we have a show of hands to say that insofar as they have relayed their own interests the contents are OK? Is everybody agreed? All agreed on that? AGREED. Thank you.

ITEM 1 – APPROVAL OF A STATEMENT OF GAMBLING POLICY

THE LORD MAYOR: We will move on to the first item on the agenda. Councillor Carter, the Leader of the Council.

COUNCILLOR A CARTER: Thank you, my Lord Mayor. I would like to move the report in the terms of the notice and, while doing so, can I indicate to the Opposition that we will not be able to support their amendment, the reason being that the second part of their amendment withdraws the whole of a paragraph and I would like to draw Opposition members' attention to precisely what it is they have withdrawn.

The final paragraph of that paragraph reads as follows:

"Proposals to prioritise local employment opportunities including specific targeting of disadvantaged people."

If we withdraw that from our strategy, it would mean that social inclusion criteria for local employment opportunities would be completely omitted and the Council would not be required to consider local employment opportunities for funding from the proposed Social Inclusion Fund.

I have to say that I have some sympathy with the wording or the rest of the amendment, which seeks to, by and large, change the word 'may' to 'must', but can I point out that the important word is 'consider', because that is all we have to do, to consider the implications of the various parts that the Labour amendment refers to.

If we try to make a statutory condition here to actually do any of these things within this statement, we would probably be acting unlawfully, so really it is a question of whether 'may' is sufficient to satisfy members that we in fact will consider all these criteria, or whether 'must' is a better word, but what I have to say to you is, we cannot vote on this side for the amendment in any event because you are withdrawing too much of the paragraph and I would respectfully suggest a little more care on drafting amendments in the future might be called for. I move the resolution, my Lord Mayor. (*Applause*)

COUNCILLOR HARRIS: Second and reserve the right to speak.

COUNCILLOR DRIVER: Lord Mayor, I am just really concerned about our position on this as a result of the advice I have just got, but I am going to go ahead with my speech and perhaps we can deal with the matter under the seconder's speech and that will be a way of dealing with it.

Lord Mayor, our meeting today is about more than the details. It is about the principles which we wish to see in a gambling policy for Leeds and the local implementation of the 2005 Act.

The local regulations will license the use of premises open to the public for commercial gambling – everything from bookies and bingo halls to casinos and race courses – provided they fulfil the following three objectives: they are able to prevent gambling becoming associated with crime and disorder; they ensure gambling is conducted in a fair and honest way; and they protect children and other vulnerable persons from being harmed or exploited by gambling.

Leeds, like every other Local Authority in the land, is charged with the responsibility of achieving these objectives through the regulations contained in its own licensing policy for gambling. It is also charged with a periodic review of that policy and every three years must check on its effectiveness in meeting the objectives required by the legislation.

This Council's initial statement of its gambling policy has, for legal and other reasons, had to be put together hurriedly in the past six months. It is likely – some would say inevitable – that under such time pressures, maybe as we have just seen with the example of the text we have just been discussing, it may not turn out to cover all the concerns that members have in a way which we would precisely like.

In these circumstances I think it is very important that we look to the first triennial review as an early check on the effectiveness of what we put in place today.

Our constructive textual amendments – because that is what they set out to be – are set out to strengthen and support the text of that policy, as Councillor Carter says. We want to make it clear that we are principally in support and our concern is to see that the Council exercises its regulatory function in the strongest and most unambiguous manner.

In addition, I want to comment briefly on a couple of issues arising from the three objectives. I do so because I believe they could well be matters of ongoing concern for us as a Local Authority and I want to go on to make one or two suggestions for the monitoring of the regulations and their effectiveness in the communities which we represent.

First of all, protecting the community from gambling-related crime and disorder. Lord Mayor, we are all aware that there are many different kinds of relatively small-scale gambling activities taking place, as they have always done, promoted by a variety of organisations in Leeds, the vast majority of which are well-managed, fairly conducted and for those reasons present relatively little moral and social danger to those who participate. For some, if not all, of them, the new regulations will be seen, perhaps understandably, as an unnecessary bureaucratic interference.

It is, however, the more high-powered gambling businesses, no doubt backed up by expensive advertising and potentially linked with other commercial activities, not least the sale of alcohol, which have to be of concern to us.

The effectiveness of our local policy in this context, perhaps particularly but not only with regard to Leeds' night-time economy, must be of concern to us in terms of the potential for crime and disorder which it holds for the city, as well as the scale of the problems which could follow over the years ahead.

The challenge is a big one. As we have seen with the sale of alcohol, there are those who may well be tempted to promote a kind of casino life-style, a kind of popular culture which entices even more people into gambling, regardless of the danger and damage which it does to those who can ill afford to take the risks involved.

This takes me to my second concern – protecting individuals from gambling-related harm. Lord Mayor, the 2005 Act specifies that children and other vulnerable persons must be protected from gambling as it is defined in the Act, but while the legal definition of those who are children may be relatively clear, that can hardly be said for the term 'vulnerable person'. Nevertheless, this authority, like all the rest, will need to have a working definition in implementing its policy.

On the question of vulnerability, there are, of course, those who take the moral high ground in this matter and abstain from gambling in all its forms. For this minority gambling is so seriously damaging and morally degrading to everyone that it should be prohibited. However, that principle view is clearly not shared by the

majority of our fellow citizens and Council has therefore to come to some way of identifying which individuals, other than children, can be said to be vulnerable where commercial gambling is concerned.

Our problem here is not just a matter of legal definition but relates also to the Council's broader remit of good government, providing a safe and secure environment for all, so whatever the working definition which we come to is to give to the condition of individual vulnerability to gambling, it must be one which can be defended as being in the best interests of everyone without undermining that freedom of action and choice to which we are all entitled.

The new policy as it is exercised must allow for individual liberty and at the same time have regard to the fact that we all – i.e. all the citizens of Leeds – could fall victims directly or indirectly at some stage or other and in some way or other to the pernicious effects of gambling. I need hardly list examples of just how various, difficult and complex such cases might be.

There is only here time to recall that gambling is addictive and can have implications not only for individuals but for families, neighbours and communities. Furthermore, such vulnerability may also be a temporary condition due to impaired judgment as, indeed, may often be the case when it is associated with alcohol. The fact that drink and gambling are and will be frequently found together must present a real challenge for the effective exercise of the policy, not least in regulating Leeds' booming night-time culture of today's clubs and tomorrow's casinos.

Lord Mayor, in calling on the Council to adopt the amendment I want to use Council procedure rule 14(9) and to add back in the necessary sections that Councillor Carter referred to. I think Councillor Blake may be able to explain in more detail exactly what that will mean but if I just give notice of that at this point.

In calling on the Council to adopt my amendments, I would also want to say that the new legislation puts a major responsibility on all of us as members of this Chamber to set out a policy which can be stated clearly and unambiguously and exercised with diligence and vigilance. In turn it enables and requires the Council's management to implement that policy with due regard for the best interests of individuals, including their personal freedom and the well-being of the community at large.

We on this side recognise, Lord Mayor, the significance of these and many other aspects of the gambling policy which we are here today to agree. We recognise that it will require constant monitoring and careful management to ensure that in this authority we adhere to the objectives and standards set by the new legislation and carry them out in the best interests of all the people of Leeds.

I know I speak for the opposition in this Chamber in saying that we will endeavour to ensure that this is done. Lord Mayor, I so move. (*Applause*)

THE LORD MAYOR: Members of Council, can I seek your approval of Councillor Driver's wish to change the wording on the motion?

COUNCILLOR PROCTOR: Lord Mayor, can we have an explanation from the Legal Officer as to the effect of that relevant item as within our Council procedure rules, please?

THE LEGAL OFFICER: I am not sure I understand the question that Councillor Proctor has put but my understanding is that Councillor Driver has sought to alter his amendment by adding in the words that Councillor Carter referred to, which is "Proposals to prioritise local employee opportunities including specific targeting of disadvantaged groups." My understanding is that the alteration is to add that as a fourth bullet point above where it says, "Councillor Blake to second" in the Order Paper. If that is the alteration he is seeking, full Council then needs to consent to whether or not it accepts that alteration. It does not have to be seconded.

THE LORD MAYOR: All in favour? Agreed? (AGREED) Thank you. Is that accepted?

THE LEGAL OFFICER: So Councillor Driver's amendment now has to be considered as altered with that additional wording at the end, for the purposes of any voting later on.

THE LORD MAYOR: Is that agreed? Thank you. Councillor Blake

COUNCILLOR BLAKE: I second, Lord Mayor, and reserve the right to speak.

COUNCILLOR J LEWIS: Thank you, Lord Mayor. Why do we pass this policy? Regulation exists to protect, to uphold standards and to prevent unwanted outcomes and that is why the council regulate in a lot of areas. That is why I do not think any of us want to live in an unregulated society.

It is not our intention as a group to reject this gambling policy out of hand. That would be a statement that we are opposed to the regulation of gambling and that is why we have brought forward our sensible and well-considered amendment and I hope that the minor parties opposite will not use confusion over a little bit of wording as an excuse not to support a very sensible amendment. If you want to argue over words rather than arguing over proper regulation, it shows how petty some people over there are.

The consequences of failing to adequately regulate any large casino are wholly unacceptable. A London borough did some research into the potential impact of casino gambling and concluded that it is people with low incomes and poor qualifications that were likely to be disproportionately affected by problem gambling. They also concluded again that it is likely that crime will rise as money laundering and loan sharks move in. This is why we are seeking with our amendment to make it a requirement rather than an option for stringent licensing conditions at this stage and I urge Council to support the body of the amendment, to support the sentiment of the amendment and to join with us in urging for the strongest possible regulatory regime. (*Applause*)

COUNCILLOR HARRIS: Lord Mayor, that was an interesting little flurry of activity. I do not really think there is anybody in this Chamber who is hugely at odds

over any of this at all and I think although it is important to differentiate between what we are doing today – which is we are legally obliged to do this in order to enact a gambling policy – this is not the debate about casinos in Leeds, although it is reasonable to say that this paves the way for what may or may not be more casinos in this city and I think all of us are probably of a mind that it is odd in the extreme for those who were at Exec Board this morning when we were talking about the pressures on budgets, that in the end, both with the changes in licensing and now this, the Gambling Act, that so much to do with regeneration of the city has to be drawn from making money from these areas of the economy.

I think we are all agreed in a perfect world, although it is dangerous for politicians to get into the realms of morality – what is morality to me may not be to you – but I think we will be all of a mind that in an ideal world we would not want to find ourselves in this position, but we do.

I thought that Geoff Driver's contribution was generally speaking well put and well measured. The difficulty we have is that the policy put before us really is a carefully crafted legal vehicle for what we have to do and if it was that we were to try and make amendments to a legal document - and we all know in the realms of legality the old adage from Shakespeare that, "Untune one string and hark what discord follows" – to try and amend a document of such legal significance on which we are bound as a Council to try and amend in this forum I think is not really possible, as laudable as much of what Geoff Driver said is – it is indeed laudable.

It is unfortunate that we are in the situation of having to say yea or nay in terms of an amendment in this forum. It would have been much better dealt with before we ever got here and we could have found a way of dealing with this so that we would have had all party consensus on this legal vehicle, because that is what it is.

It is a difficult position in which the Council has been placed, in my opinion. Andrew will sum up and speak a bit more in due course. Suffice to say now that I regret that the amendment has been put in this way and that we were not able to manage this before it ever came in to the Council Chamber. (*Applause*)

COUNCILLOR BLAKE: Thank you, Lord Mayor. Just for clarification, we had received advice that it was not possible to amend this White Paper. However we did feel, when we realised it was possible, that we wanted to do everything we possibly can do make sure that the policy is as strong as it possibly can be. I am sure I am not alone in this Chamber in having great personal unease about doing anything that appears to encourage gambling in this city and it is for this reason that I think it is absolutely crucial that we see the policy as an attempt to better regulate the gambling that already does exist and, indeed, to stress that it is not an attempt to give unfettered support to future bids for large scale facilities such as casinos.

Can we keep the three objectives of this policy at the forefront – that is to prevent gambling becoming a source of crime and disorder; to ensure that gambling is conducted in a fair and open way; and finally to protect children and other vulnerable persons.

The Local Authority has a key role to play in ensuring the delivery of these objectives through its licensing, monitoring and fee-setting processes. Also, they can determine what conditions are attached, the location of venues and, importantly, door supervision.

As an authority we must have a clear understanding of who it is we are protecting and then use our regulatory frameworks to make sure that they get full protection. I think as an authority we can clearly do this by addressing the issue of location – where we are going to allow gambling to take place - and in this way we can make sure that the locations where there are schools, vulnerable adult centres and residential areas are given full protection.

We can also determine the size of premises, the transport needs and the impact on residents, the nature of activities that take place and the level of organised crime in the vicinity can also be taken into account. The licensing and planning frameworks which we adopt will be vital to ensuring our most vulnerable communities are protected.

As Councillor Driver says, the definition of ‘vulnerable’ will always remain difficult but, you know, there is a great deal of detailed research that already exists and I believe we should use this to inform our decision and make sure that all activity is monitored and included in the review process.

For example, research from the States clearly demonstrates that age is a great contributory factor to people becoming problem gamblers. The earlier the age of first experience of gambling the more likely the individual is to develop addiction. Eighteen to 35-year olds are at greatest risk. The proximity to venues, ease of access is a key factor. I am sure it will not be of any surprise that women are in fact catching up with men in problems of addiction.

Gambling attracts low educational achievers, those on vulnerable incomes and the most deprived neighbourhoods are the most vulnerable. Also, there are issues for those with mental health problems and for those whose parents are already at high risk.

One study in the United States has shown that of nearly 400 Gamblers Anonymous members, 57% had already stolen to finance their habit. More than 30% of pathological gamblers arrested in Las Vegas and Des Moines reported having committed a robbery within the past year. Another stark fact – less than 5% of those estimated to have a gambling problem seek help or counselling.

Lord Mayor, this policy needs to be strengthened in the way our amendment outlines. Regulation is going to be the key to protect our children and vulnerable citizens and also continual review of delivery will be essential and the ability to refuse inappropriate facilities is vital if we are to succeed in delivering the key objectives of the policy outlined. Thank you, Lord Mayor. (*Applause*)

COUNCILLOR HARRIS: Lord Mayor, on a point of personal explanation. What I said in my contribution was that the policy could have been changed in

drafting before it became the legal vehicle that we are dealing with today. It was possible to deal with it at the drafting stage. That was the point I was making.

THE LORD MAYOR: Thank you very much.

COUNCILLOR LYONS: Thank you very much. I will not be long, Lord Mayor. This seems to be one where all parties are having a difficulty. The reason we have to put the amendment together rather quickly is that the advice that we got was that you could not amend it, it was more or less a legal document and I am going through the pages – it is all legality, going through. I accept what Mark is saying, that had we all had proper time and gone through it properly, I do not think we could have just walked in this room and rubber-stamped what we were going to do.

I think this amendment is necessary and needs to go through and I would ask it be questioned legally. Legally our amendment, will it make any difference legally to this document that is being put through at all, or will it go forward without any legal people needing to look at the amendment, or if it gets through in full?

What I am asking is, I am asking a direction from the Legal Officer of whether the legality of what we are saying will affect your White Paper if our amendment is carried. Thank you.

THE LEGAL OFFICER: In responding to Councillor Lyons's request for advice, we check all amendments before they are submitted and this is an amendment that can lawfully be made. The effect on the policy is to actually make it more rigorous in the sense that rather than the council may consider certain things, in relation to certain aspects it now must consider certain things; therefore it is adding an extra hoop or an extra hurdle.

What I would say, though, is it is also thereby possibly increasing the risk of challenge as well, but lawfully this amendment can be made.

COUNCILLOR GRAYSHON: Thank you, Lord Mayor. I find this debate rather interesting. You will shortly find out why, Councillor Jennings – I am that sad. Having had a dalliance with reading law myself, I find it quite strange that we are looking at change the words 'may' to 'must'. I agree with what Miss Jackson has just advised us. I think that the people who I sit with on the Licensing Committee are quite capable of deciding what we should look at in each particular instance of someone applying for a licence.

If we are restricted by using the word 'must' instead of the word 'may' to look at every issue every time, it does create a problem for us and it is probably putting another layer of bureaucracy there that really is not needed. I think that I would speak for my colleagues on Licensing to say that we are all quite capable of realising or recognising when we should attach certain conditions to a licence.

It is unfortunate that we have got to this stage of discussing the Licensing Act and now we have these amendments before us. Hindsight is indeed a wonderful thing, but perhaps we should have had a look at these when we had the meeting the

other day to discuss the proposals for what were coming before the Council committee.

My view for what it is worth – and some of you may think it is worth something, I am sure some of you will think it is worth nothing – is that it would be better to leave it as it is and to let the members of the relevant committee within Council make the decision as to what it is they wish to look at and what conditions they wish to attach to each application. Thank you, Lord Mayor.

COUNCILLOR A CARTER: Thank you, my Lord Mayor. I shall know better than to try to save Labour from their own incompetence in future.

Councillor Lewis, when you are a bit older you will understand the importance of a few things and far from being petty, what I could have done was, of course, waited until now to inform Councillor Driver how damaging his amendment would be, in which case you would not have had the chance to look at each other, scratch your backsides, scratch your heads and work out what you were doing to do. We would have taken a vote and you would have had to sit and abstain or vote against something which took out a clause which is designed to help some of the most worse-off of people in the city. That is how petty it was, Councillor Lewis. I was actually trying to do you a favour. You are never too old to learn, are you, ladies and gentlemen? We will not do it again.

Can I just say this to you? Whether you have in the word ‘must’ or ‘may’, it is odds on that members of the Licensing Committee will make sure that we have the most rigorous possible policy and I have every confidence in the Licensing Committee and, indeed, members of all parties making sure that we do just that. I think I can confidently say officers as well.

I must say, we could have avoided this debate today and I do think you need just to think about your processes on an issue which, in this Chamber anyway, should not be party political. Outside it most certainly is party political and I will come to that in a moment.

Councillor Driver, correct me if I am wrong but you are the Chair of the Overview Committee. This document has been to Overview and Scrutiny. Everyone has had the chance to make their comments and yet you come along today. I have to ask you the question, were you just trying to pull your national party’s chestnuts out of the fire or were you serious? I have again to say to you, it is your party’s relaxation of gambling laws, your party’s relaxation of licensing laws and, if you want to throw something else in, relaxation of the classification of drugs leading to more crime and more drug addiction, that is getting us to the position that we are in.

Nobody on this Council – and again I will include you, out of charity’s sake because I do not think that any of us are happy with the cosying up of the Brown/Blair government to the gambling industry, the cosying up to the drinks industry or anything else, because it seems to me it is all just a gigantic money-making scam for the Chancellor of the Exchequer, who will be able to coin in every more taxation and leave us with the job of making sure that the people who are most vulnerable and likely to be the most affected by these policies that your government

has introduced are actually helped and safeguarded by a rigorous and strong policy around licensing - and it is not just about gambling, it is about licensing – and we will make sure that that policy is rigorous and strong and that we will extract as much money as is legally possible from these organisations to put into schemes to protect the people most at risk.

This administration will certainly make sure that happens. It is not us who created the situation. It is your party nationally and I just ask you the question – when, if you are so concerned, are you going to make the sort of speeches we have heard from you today to your Parliamentary colleagues, to your MPs for the city of Leeds and to your government? (*Applause*)

THE LORD MAYOR: I will invite votes. All those in favour of the amendment of Councillor Driver? Can we have a show of hands, please? Those against? Any abstentions? It is LOST.

Therefore we are voting on the motion. All those in favour of the motion made by Councillor Carter? Can we have a show of hands, please? Those against? Any abstentions? That is therefore CARRIED.
