

Report of the Director of Communities and Environment

Report to Executive Board

Date: 17th October 2018

Subject: Gambling Act 2005 Statement of Licensing Policy

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. Every three years the Council is required by the Gambling Act 2005 to review the Gambling Act 2005 Statement of Licensing Policy (the policy), and to consult upon any changes.
2. The three yearly review is taking place this year and officers have reviewed the current policy and made changes relating to the inclusion of research results and strengthened requirements around risk assessments. The draft policy has been presented to the public for consultation in line with the requirements of the Act.
3. Having reviewed the five responses, a revised policy has been presented to Scrutiny Board (Strategy and Resources) for their comments and is now referred to Executive Board for onward referral for approval to Council under the Budgetary and Policy Framework.

Recommendations

- 4 That Executive Board consider the contents of the report and refer the policy to Council for approval in line with the Budgetary and Policy Framework.
- 5 That Executive Board note that if the policy is approved by Council in November, the Council must advertise the publication of the policy on the council website and by way of notices in the public buildings, describing where a copy can be viewed for 30 days before the policy is implemented. This will be undertaken by the Principal Licensing Officer, Entertainment Licensing on 2nd January 2019.

1.0 Purpose of this report

- 1.1 To advise Executive Board that the triennial review of the Gambling Act 2005 Statement of Licensing Policy is underway with the public consultation having taken place.
- 1.2 To request that Executive Board consider the contents of the report and refer the policy to Council for approval in line with the Budgetary and Policy Framework.

2.0 Background information

- 2.1 Under Section 349 of the Gambling Act 2005 the Licensing Authority is required to prepare a statement of principles that they propose to apply in exercising their functions under this Act. This process is to be repeated every three years from 31st January 2007.
- 2.2 The consultation process is laid out clearly in the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 and the Guidance to Licensing Authorities issued by the Gambling Commission (www.gamblingcommission.gov.uk).

3.0 Main issues

- 3.1 This will be the fifth time that the council has reviewed and amended the Gambling Act 2005 Statement of Licensing Policy (the policy).

Changes since the publication of the last policy

- 3.2 In the last three years there have been a number of issues that have come to the attention of councils nationwide. The most publicly reported of which is the increase in the number of Fixed Odds Betting Terminals (FOBTs) in premises in deprived areas and the impact these machines have on people vulnerable to problem gambling. In Leeds, although there has not been a significant change in the number of betting shops, there has been movement and more premises are open in deprived areas, however a change in Planning which put betting shops into a class of their own (sui generis) has not only halted this movement, but applications for new betting shop licences have reduced in the last three years.
- 3.3 In response to the publicity around FOBTs the Government has undertaken a review of stakes and prizes in relation to gaming machines and has determined to reduce the stake for an FOBT from £100 to £2, although it is unclear when this will come into effect.
- 3.4 Also in the last three years the Large Casino has opened in Leeds city centre in Victoria Gate. This has provided a regular payment to the Social Inclusion Fund, administered by the Financial Inclusion Team which has allowed the council to work closely with support providers and other agencies as part of a Problem Gambling Working group in order to address matters relating to support for people with gambling problems, meeting the council's commitment to reduce the social impact of gambling in Leeds.

- 3.5 This group, led by the Financial Inclusion Team, has been instrumental in producing the 'Beat the Odds' campaign which is designed to promote the support available to problem gamblers in Leeds. This group has also been instrumental in providing gambling awareness training to front line staff from the council and partner organisations, such as Citizen Advice, debt advisors, customer services etc. The group is trying to increase support provision for problem gambling within Leeds, by working with GamCare and NECA (North East Council on Addictions).
- 3.6 As part of the undertakings made when the ability to grant the licence was awarded to Leeds in 2008, the council recently commissioned research from Leeds Beckett University to identify the people most vulnerable to problem gambling in Leeds. This research detailed a number of groups that are vulnerable to problem gambling and increased national awareness of the problems facing citizens of metropolitan areas, such as Leeds, where the incidence of problem gambling is estimated to be twice the national average. The research findings have been included in this revision of the policy.
- 3.7 Discussions are underway between Leeds and York Partnership Foundation Trust and GambleAware to establish a residential problem gambling clinic in Leeds which will serve the north of England. GamCare is looking to increase support for problem gambling in Leeds as part of this project. However it's very early in this project and funding is yet to be secured.

Policy Review and Consultation

- 3.8 Very early in the review process the draft policy was discussed with partners at the Problem Gambling Working Group. It was agreed to:
- include the findings of the research undertaken by Leeds Beckett University; and
 - to strengthen the requirements on operators when completing the local risk assessments, as required by the Licence Conditions and Codes of Practice attached to all operators licences issued by the Gambling Commission.
- 3.9 These two main changes promote the council's aim to keep people safe from harm and protecting the most vulnerable. The working group's ongoing work around providing more suitable support for problem gamblers aims to help people out of financial hardship and the strengthening of the requirements on operators risk assessments tackles anti-social behaviour in gambling premises while being responsive to local needs, building thriving, resilient communities and promoting community respect and resilience.
- 3.10 Through the Council's Licensing Enforcement Group, and as part of the early policy review process officers also contacted the statutory responsible authorities (including West Yorkshire Police, Public Health, West Yorkshire Fire and Rescue Services, Leeds Safeguarding Children Partnership) who made no comments to the first draft of the policy.
- 3.11 Officers worked with Public Health and the council's Financial Inclusion Team on the inclusion of the matters related to the study the council commissioned from Leeds Beckett University into problem gambling in the policy.

- 3.12 The draft policy was approved for the purposes of consultation by the Director via Delegated Decision Notice in June 2018. It underwent a public consultation which ran from the middle of June to early August 2018. The consultation was advertised by way of letters and emails to over 600 businesses, agents, solicitors, ward councillors, MPs, parish and town councils and support organisations.
- 3.13 The council received five responses to the public consultation. Two were received from gambling operators, two from parish councils and one from a support organisation. The responses and the council response is detailed in the Consultation Report which is attached at Appendix 1. As the responses were received from public bodies and commercial companies the names of the organisations have been included.
- 3.14 The amended policy with track changes is attached at Appendix 2.
- 3.15 A report and appendices was presented to Licensing Committee on the 4th September 2018. Licensing Committee endorsed the amended policy and Consultation Report.
- 3.16 A report and appendices was presented to Scrutiny Board (Strategy and Resources) on 10th September. Members were requested to provide comments and recommendations for Executive Board. A statement from Scrutiny Board is attached at Appendix 3.
- 3.17 The approval of the policy is a matter for full Council. The next stage is for Executive Board to consider the contents of this report and Scrutiny Boards' comments and if appropriate, to refer the matter to Council for approval. The approval process follows the Budgetary and Policy Framework.

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 In the early stages of the policy development the Problem Gambling Working Group, a multiagency working group chaired by members of the Financial Inclusion Team, were consulted. This group includes support organisations, treatment providers, representatives of the trade, and the Universities amongst its regular attendees.
- 4.1.2 All attendees were able to contribute to the initial review of the policy, and discussions took place which culminated in the inclusion of the Leeds Beckett University research and to strengthen the requirements on operators when completing the local risk assessments, as required by the Licence Conditions and Codes of Practice attached to all operators licences issued by the Gambling Commission.
- 4.1.3 The policy is subject to a statutory consultation. The consultation took place between the middle of June and early August 2018 with over 600 letters and emails being sent to the statutory consultees, including responsible authorities, all

elected Members, Members of Parliament, town and parish councils who represent the public. In addition all gambling businesses, their agents and specialist licensing solicitors known to the council were consulted.

- 4.1.4 The public consultation elicited 5 responses. This was the expected level of response, despite the wide number of consultees. Consultation on licensing policies does not historically attract a large number of responses and a higher number of responses is expected in cases where the public and interested parties are not in agreement with the contents of the policy. In this case the low level of consultation responses in contrast to the large number of consultees would indicate a high level of acceptance of the policy.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The policy review process is subject to an EDCI Assessment, and a screening form has been completed. It is attached at Appendix 4.

4.3 Council Policies and Best Council Plan

- 4.3.1 The licensing regime contributes in particular to the following Best Council Plan 2018/19 – 20/21 priority, 'Safe Strong Communities' with its specific aims of:

- Keeping people safe from harm, protecting the most vulnerable
- Helping people out of financial hardship
- Tackling crime and anti-social behaviour
- Being responsive to local needs, building thriving, resilient communities
- Promoting community respect and resilience

- 4.3.2 The work led by the Problem Gambling Working Group, which is financed by licensed premises, is a good example of how the licensing regime contributes to the Best Council Plan, especially in keeping people safe from harm, protecting the most vulnerable and helping people out of financial hardship. This work is seen as an example of best practice by Gambling Commission and the Local Government Association, and the council has been asked to present at national conferences which highlight using a whole council approach to problem gambling.

- 4.3.3 The changes to the policy especially the strengthening of the requirements on operators when completing risk assessments, and the promotional work around the support for problem gambling will contribute directly to these aims.

- 4.3.4 The licensing regime contributes to our Best Council ambition of being an efficient and enterprising organisation.

4.4 Resources and Value for Money

- 4.4.1 A review of the effectiveness of specific consultation methods has been instrumental in reducing costs. The public consultation of the policy is now mostly undertaken by email, which has helped reduce the cost further.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 There are no legal implications for this report.
- 4.5.2 The development of a policy under the Gambling Act 2005 is a matter for full Council and follows the Budgetary and Policy Framework which requires that this matter is referred to Scrutiny Board (Strategy and Resources) and then for it to be considered by Executive Board before being recommended to full Council for approval. Therefore this report is not available for call in as it has already been considered by Scrutiny.

4.6 Risk Management

- 4.6.1 Executive Board has the option of recommending that further work is undertaken. The risk is this would impact on the policy approval timescales. A revised policy must be in place by 31st January 2019 in order for the council to continue determining gambling licences and authorisations under the Gambling Act 2005.

5 Conclusions

- 5.1 The policy is under statutory review. A public consultation has been undertaken and the policy reviewed based on the comments received.
- 5.2 Approval of the policy is a matter for full Council following the Budgetary and Policy Framework therefore the next step is for the policy to be presented to Executive Board along with comments or recommendations from Scrutiny Board.

6 Recommendations

- 6.1 That Executive Board consider the contents of the report and refer the policy to Council for approval in line with the Budgetary and Policy Framework.
- 6.2 That Executive Board note that if the policy is approved by Council in November, the Council must advertise the publication of the policy on the council website and by way of notices in the public buildings, describing where a copy can be viewed for 30 days before the policy is implemented. This will be undertaken by the Principal Licensing Officer, Entertainment Licensing on 2nd January 2019.

7 Background documents¹

- 7.1 There are no unpublished background documents that relate to this matter.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.