



Leicester  
City Council

**WARDS AFFECTED: ALL**

**NEIGHBOURHOOD SERVICES AND COMMUNITY  
INVOLVEMENT SCRUTINY COMMISSION**

**17 October 2018**

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**GAMBLING POLICY – CONSULTATION**

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**Report of the Director of Neighbourhood and Environmental Services**

**1. Purpose of Report**

- 1.1 The purpose of the report is to seek the Commission's views on the Council's Gambling Policy for the coming three years, prior to its determination by Full Council in November 2018.

**2. Summary**

- 2.1 The Gambling Act 2005 came into effect in 2007. As Licensing Authority, Leicester City Council is required to publish its Gambling Policy for 2019-2021 no later than 3 January 2019 (4 weeks before the new policy takes effect).
- 2.2 The current policy has not caused any problems since it came into effect in February 2016. This policy was not significantly different to the original policy introduced in February 2007.
- 2.3 Public consultation took place between 14 August and 18 September 2018. The Licensing Committee will consider the draft policy at its meeting on 23 October 2018.
- 2.4 The consultation responses and the comments from Scrutiny and the Licensing Committee will be submitted to Full Council on 15 November 2018, when full Council will be asked to approve the authority's gambling policy for 2019-2021.

**3. Consultation method**

- 3.1 In accordance with the Gambling Act, consultation has taken place with:
- The Chief Officer of Police
  - Representatives of the gambling trade
  - Representatives of people who may be affected by the Gambling Policy

Holders of existing gambling permissions were also contacted directly. The consultation was available on the council's website between 14 August and 18 September 2018.

#### **4. 'No casino' policy**

4.1 Licensing Authorities may consider having a “no casino” policy, and if they do, this must be included in their Gambling Policy. A “no casino” policy has no effect on existing casinos, but prevents a licensing authority from issuing a new casino licence. The Gambling Act limits the number of new casinos nationally to one regional, eight large and eight small. There are currently no approved locations for such casinos in England and Wales.

4.2 Leicester City Council has not previously made a ‘no casino’ policy.

#### **5. Gambling policy for 2019-2021**

5.1 The existing policy has been updated but the changes are considered to be minor.

5.2 A local area profile has not been produced for Leicester although it is still the intention to do so. The profile will be held on the City Council’s website [www.leicester.gov.uk/licensing](http://www.leicester.gov.uk/licensing) and be updated from time to time. Existing and new operators would be expected to take into account the profile when determining what steps they need to take to mitigate risk and to promote the licensing objectives.

5.3 The proposed new policy is attached at Appendix C1.

#### **6. Consultation responses**

6.1 Four responses were received during the consultation period, two via the online consultation tool and two by email. The comments made are shown in Appendix C2, together with officers’ observations.

#### **7. Recommendations**

7.1 The Scrutiny Commission is asked to make any comments on the proposed policy, which will be reported to full Council in November.

### **8 Financial & Legal Implications**

#### **Financial Implications**

8.1 Premises licence fees are set in a series of bands with a prescribed maximum for each band. Licensing authorities are able to set licence fees within each band so as to ensure full cost recovery. It is anticipated that the fees will continue to cover all costs, thus there should be no additional costs on Leicester City Council.

*Colin Sharpe – Head of Finance, tel: 0116 454 4081*

#### **Legal Implications**

8.2 Section 349 of the Gambling Act 2005 requires Licensing Authorities to prepare and publish a Licensing Policy Statement. The Licensing Policy Statement will last for a maximum of 3 years, but can be reviewed and revised by the authority at any time. It must set out the principles the Authority proposes to apply in exercising its functions under the Act during

the 3 year period to which the Policy applies. Any revision must be published before it is given effect.

- 8.3 The statement must be produced following widespread consultation with
- 1) the chief officer of Police for the authority's area
  - 2) persons who appear to the authority to appear to the authority to represent the interests of the persons carrying on gambling businesses within the area, and
  - 3) persons who appear to the authority to represent the interests of persons who are to be effected by the exercise of the authority's functions under the Act.
- 8.4 The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 set out the form of Licensing Policy Statements and the procedures to be followed in relation to preparing, revision and publication of the Statements.
- 8.5 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 states that determining the Licensing Authority Policy Statement is not a function within the sole responsibility of the executive. Therefore it has to be considered by the Cabinet and approved by full Council before it is published.

*Katherine Jamieson – Legal Services, tel: 0116 454 1452*

## **9 Background Papers – Local Government Act 1972**

None

## **10 Consultations**

Chief Officer of Police, Leicestershire Police  
Gambling Businesses  
Organisations representing people who may be affected by gambling  
Holders of existing gambling permissions  
Head of Legal Services  
Head of Finance

## **9 Report Author**

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