

Gravesham Borough Council

Report to: Licensing Committee
Date: 22 November 2006
Reporting officer: Head of Regulatory Services
Subject: Statement of Licensing Policy under Gambling Act 2005

Purpose and summary of report:

- (1.) To feedback to Members on the responses received during the statutory and public consultation on the draft Gravesham Borough Council statement of licensing policy.
- (2.) To evaluate each of these responses and recommend how each should be dealt with in terms of policy revision.
- (3.) To apprise Members of the on-going consultation in respect of a 'no-casinos' resolution for the borough.

Recommendations:

That the Licensing Committee

- (1.) Note the content of the report.
- (2.) Endorse the recommendations made therein for these to be incorporated in the statement of licensing policy to be put before the Council for approval on 12 December 2004.

1. Background

- 1.1 Licensing authorities under the Gambling Act 2005 are required to have a licensing policy statement in place and published at least 4 weeks prior to 31 January 2007.
- 1.2 Members will recall that the draft statement of licensing policy under Gambling Act 2005 was presented to them on 24 May 2006. [Appendix 1].
- 1.3 The statement of licensing policy was drafted in conjunction with the Kent and Medway Regulatory Licensing Steering Group, taking into account The Gambling (Licensing Authority Policy Statements) Regulations 2006 and also the guidance to which local authorities must have regard.
- 1.4 The proposed mechanisms for consultation and list of consultees, including statutory consultees and the broader public, were also put before the Committee on 24 May 2006.

2. Consultation

- 2.1 The consultation on the draft statement of licensing policy commenced on 30 June 2006 and ran until 20 October 2006.

- 2.2 Consultees were as previously outlined to the Committee as shown as Appendix 4 within the draft statement of licensing policy.

3. Evaluation of Responses

- 3.1 All incoming responses were entered into an evaluation grid for consideration. The format of this grid is as recommended by LACORS (Local Authorities Coordinators of Regulatory Services).
- 3.2 Evaluation of each response and a recommendation as to whether or not to amend the policy statement was conducted by the Senior Licensing Officer, in consultation with other officers of GBC and also the Kent and Medway Regulatory Licensing Steering Group as appropriate.
- 3.3 Outcomes are now entered onto the grid which is appended to this report [Appendix 2]..
- 3.4 The grid includes all responses received by Gravesham Borough Council by 20 October 2006

4. Recommendation

- 4.1 Members are asked to endorse the recommendations made within the evaluation grid, for inclusion in the final version of the GBC statement of licensing policy to be put before Council for approval on 12 December 2006.

5. No-casinos resolution

- 5.1 Section 166 of the Gambling Act 2005 allows licensing authority to resolve not to issue casino premises licences within its boundaries. This decision is a function of full Council.
- 5.2 The adoption of a no-casinos resolution would only affect new casinos. It will not have an effect on casino premises licences issued before the resolution takes effect or on provisional statements issued before that date.
- 5.3 GBC is currently conducting a consultation exercise in respect of this issue (23 October until 20 November) again including all consultees as shown in the draft statement of licensing policy..
- 5.4 The outcome of this consultation will be presented to full Council on 12 December 2006 when a no-casinos resolution will be on the agenda for consideration.
- 5.5 The outcome will then be inserted into paragraph 4 of the licensing policy statement as appropriate.

6. Equal Opportunities

- 6.1 The Gambling Act 2005 is fully inclusive and will affect all people equally. The consultation pool for the draft statement of licensing policy was diverse and wide and included all faiths and as many social groups as possible as well organisations that deal with vulnerable persons and interested business groups.

7. Risk Assessment

- 7.1 The risk in not developing and publishing a licensing policy statement in accordance with the legislation and guidance and within the statutory timescale is that the council would be failing in its legal duty as a Licensing authority. The council would therefore be open to criticism from central government.
- 7.2 Lack of a policy statement in place four weeks before the first appointed day would mean that prospective applicants are hampered in preparing suitable applications ready for submission on the first appointed day.
- 7.3 lack of a policy statement in place in the first appointed day would mean that the Council is not in a position to assess and determine applications.

Background papers

Guidance to Licensing Authorities issued by the Gambling Commission

Report to Licensing Committee 24 May 2006 – ‘Gambling Reform’