

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Licensing Committee

Date: 20 September 2012

Reporting officer: Sarah Kilkie, Assistant Director (Communities)

Subject: Review of Statement of Licensing Policy under the Gambling Act 2005

Purpose and summary of report:

To apprise Members of the proposed methodology to be followed in reviewing Gravesham's Statement of Licensing Policy under the Gambling Act 2005

Recommendations:

Members to endorse the contents of the report and instruct officers to proceed with the review process

1. Background

- 1.1 Members will be aware that a second Statement of Licensing Policy under the Gambling Act 2005 was approved by Council on 8 December 2009.
- 1.2 Section 349 of the Gambling Act 2005 requires a Licensing Authority to prepare and publish a Statement of its Licensing Policy every three years. Such a policy must be published before the authority carries out any function in respect of individual applications made under the terms of the 2005 Act. The Gambling Policy is required to comply with extensive national guidance, and any departures must be supported by evidence justifying a different policy approach.
- 1.3 Before determining its policy for any three year period the Licensing Authority must consult the persons listed in section 349(3) of the 2005 Act. These are:
 - The Chief Officer of Police for the area;
 - Kent Fire and Rescue Service
 - Persons/bodies representative of local holders of gambling licences;
 - Persons/bodies representative of local holders of premises licences;
 - Persons/bodies representative of businesses and residents in its area

- 1.4 The existing policy was developed in close conjunction with all other licensing authorities and responsible authorities in Kent via the mechanism of the Kent and Medway Regulatory Licensing Steering Group.
- 1.5 The aim of the county wide approach was two fold. Firstly, to promote consistency to the benefit of licensees, businesses, residents and to regulatory services having a Kent-wide remit. Secondly to minimise risk of judicial review of individual policies.
- 1.6 The existing Gambling Policy commenced on 3 January 2010 and will expire on 2 January 2013. The proposed draft policy shown as Appendix 2 will be required to be adopted by full Council on 4 December 2012 and published for the period 3 January 2013 to 2 January 2016.

2. Policy review

- 2.1 In drafting the revised Statement of Licensing Policy due regard has been taken to new draft guidance (Guidance to Licensing Authorities 4th Edition) issued by the Gambling Commission which will be published at the end of September 2012. As the changes within the draft guidance are only of a minor or administrative nature or for the sake of greater clarity they have been incorporated into the revised Statement of Licensing Policy which is attached as Appendix 2 and are shown emboldened.

3. No-casinos resolution

- 3.1 Section 166 of the Gambling Act 2005 allows a licensing authority to resolve not to issue casino premises licences within its boundaries. This decision is a function of full Council. At its meeting of 8 December 2009 full Council decided to approve a 'no-casinos' resolution.
- 3.2 The adoption of a no-casinos resolution requires ratification every three years so that it can be included in the current policy.
- 3.3 Specific mention regarding whether or not to adopt a 'no-casinos' resolution has been made within the draft policy on page 4 and the consultation advertisement will draw attention to this particular point.

4. Consultation

- 4.1 The Act and the Guidance require a consultation process prior to determining the Statement of Licensing Policy. A consultation period of six weeks is proposed to run from 21 September until 2 November. The consultees we will contact are shown at Appendix 3.
- 4.2 All incoming responses will be entered onto a grid for consideration. The senior Licensing Officer will conduct an evaluation of each response and give a recommendation as to whether to not to amend the policy statement. This will be done in consultation with other GBC officers and/or the Kent and Medway Regulatory Licensing Steering Group as necessary.
- 4.3 The grid and recommendations will be put before Licensing Committee on 5 November for consideration.

5. BACKGROUND PAPERS

- 5.1 Gambling Act 2005, Gambling Commission (Guidance to Licensing Authorities 4th Edition)

Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

IMPLICATIONS**APPENDIX 1**

Legal	Section 349 of the Act requires each licensing authority to prepare and publish a statement of principles that they propose to apply in exercising their functions under the Act. The Policy will last for a 3 year period, but can be reviewed at any time during that period		
Finance and Value for Money	The cost of consultation and publishing an updated policy will be met from within existing budgets. The Statement of Licensing Policy under the Gambling Act 2005 will not place any new financial resource implications on the Council		
Risk Assessment	<p>The publication of a Statement of Licensing Policy under the Gambling Act 2005 is a statutory requirement and failure to do so by 3 January 2013 as required may lead to negative publicity and criticism from central government.</p> <p>Close adherence to the mandatory guidance in terms of policy development and consultation will minimise the risk of judicial review at a later date. This risk is further minimised by working in close cooperation and consistency with the other licensing authorities within Kent.</p>		
Equality Impact Assessment	Screening for Equality Impacts		
	Question	Answer	Explanation

a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	The Gambling Act 2005 is fully inclusive and affects all people equally. The consultation pool is diverse and wide and includes as many social groups as possible as well as organisations that deal with vulnerable persons and interested business group
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		
<i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i>		
Corporate Business Plan	There are direct links to area of focus: Focus Area 1 – Keeping Gravesham Safe There are indirect links to area of focus: Focus Area 12 – Driving the economic development of the borough	
Crime and Disorder	<p>Fulfilling powers and duties under the Gambling Act 2005 is of direct relevance to the Council's Section 17 obligations in that the objectives of the Act are:</p> <ul style="list-style-type: none"> • Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime • Ensuring that gambling is conducted in a fair and open way • Protecting children and other vulnerable from being harmed or exploited by gambling <p>As member of the Kent and Medway Regulatory Licensing Steering Group we are committed to a partnership approach to licensing and enforcement. This also directly reflects Section 17 requirements</p>	