

**Classification: Public**

**Key Decision: No**

## **Gravesham Borough Council**

**Report to:** Licensing Committee

**Date:** 5 November 2012

**Reporting officer:** Assistant Director (Communities)

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

### **Purpose and summary of report:**

To feedback to Members on the responses received during the public consultation on the draft review of the Gravesham Borough Council Statement of Licensing Policy under the Gambling Act 2005.

### **Recommendations:**

That Members endorse any recommendations as shown at Appendix 3 for these to be incorporated in the Statement of Licensing Policy to be put before the Council for approval on 4 December 2012

## **1. Background**

- 1.1 Licensing authorities under the Gambling Act 2005 are required to adopt and publish a Statement of Licensing Policy. Members will be aware that such a policy was approved by Council on 8 December 2009 and was published in January 2010. At this time Council also approved a 'no casinos' resolution as allowed under Section 166 of the Gambling Act 2005.
- 1.2 Section 349 of the Gambling Act 2005 requires a licensing authority to review and publish a further policy every three years. Such a policy must be published before the authority carried 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 from it must be supported by evidence justifying a different policy approach.
- 1.3 The existing Gambling Policy commenced 3 January 2010 and will expire on 2 January 2013. A new policy will be required to be adopted by full Council on 4 December 2012 and be published for the period 3 January 2013 to January 2016. Council will also need to decide whether to ratify the 'no casinos' resolution for a further three years.

## **2. Draft Statement of Licensing Policy**

- 2.1 A draft Statement of Licensing Policy was drawn up as shown at Appendix 2 based on a review of our existing policy statement and taking into account the revised guidance (Guidance to Licensing Authorities 4<sup>th</sup> Edition) issued by the Gambling Commission in September 2012 to which licensing authorities must have regard.
- 2.2 Specific mention regarding a 'no- casinos' resolution was included on page 4 of the draft policy and the consultation advertisement drew attention to this particular point.
- 2.3 The draft policy was put before Licensing Committee on 20 September 2012 and agreed with a methodology for public consultation.

## **3. Consultation**

- 3.1 The Act requires a consultation process prior to determining the Statement of Licensing Policy. This consultation commenced on 21 September 2012 and ran until 2 November 2012.
- 3.2 Consultees and consultation mechanisms are as previously outlined to the Committee.

## **4. Evaluation of responses**

- 4.1 An evaluation grid for consideration of incoming responses is as recommended by LACORS (Local Authorities Co-ordinators of Regulatory Services). The format is shown at Appendix 3 to this report. The grid allows for each response to be evaluated by the Senior Licensing Officer and a recommendation made as to whether or not to amend the policy statement.
- 4.2 At the time of writing this report, only one response been received and this has been entered onto the grid. However, any further responses received before the closing date of 2 November 2012 will be entered onto the grid and put before Licensing Committee on 5 November 2012, as a revised Appendix 3.

## **5. Recommendation**

- 5.1 Members are asked to endorse the recommendations made within the evaluation grid, and where applicable include them in the final version of the Gravesham BC Statement of Licensing Policy to be put before Council for approval on 4 December 2012

## **6. BACKGROUND PAPERS**

- 6.1 None

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**

<p><b>Legal</b></p>	<p>Section 349 of the act required each licensing authority to prepare and publish a statement of the 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.</p>		
<p><b>Finance and Value for Money</b></p>	<p>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</p>		
<p><b>Risk Assessment</b></p>	<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>		
<p><b>Equality Impact Assessment</b></p>	<p><b>Screening for Equality Impacts</b></p>		
	<p><b>Question</b></p>	<p><b>Answer</b></p>	<p><b>Explanation</b></p>
	<p>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?</p>	<p><b>No</b></p>	<p>The Gambling Act 2005 is fully inclusive and affects all people equally. The consultation pool was diverse and wide and included as many social groups as possible as well as organisation that deal with vulnerable persons and interested business groups</p>
	<p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?</p>	<p><b>No</b></p>	
	<p>c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?</p>		
	<p><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></p>		

<b>Corporate Business Plan</b>	<p>There are direct links to area of focus: Focus Area 1 – Keeping Gravesham Safe</p> <p>There are indirect links to area of focus: Focus Area 12 – Driving the economic development of the borough</p>
<b>Crime and Disorder</b>	<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"> <li>• Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime</li> <li>• Ensuring that gambling is conducted in a fair and open way</li> <li>• Protecting children and other vulnerable from being harmed or exploited by gambling</li> </ul> <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>