

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Management Team

Licensing Committee

Date: 21 August 2018

4 September 2018

Reporting officer: Mark Lees, Regulatory Services Manager

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

Purpose and summary of report:

To present Members with a draft of the revised Statement of Licensing Policy under the Gambling Act 2005 and the proposed consultation methodology

Recommendations:

1. Members to consider the draft policy for consultation and advise on relevant amendments
2. Members to note the policy consultation process as outlined and instruct officers to process with the same

1. Background

- 1.1 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.
- 1.2 The current Statement of Licensing Policy under the Gambling Act 2005 was approved by Council on 8 December 2015.
- 1.3 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.
- 1.4 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.

- 1.5 The existing Gambling Policy commenced on 3 January 2016 and will expire on 2 January 2019. The proposed draft policy shown as Appendix 2 will therefore be required to be adopted by Full Council on 4 December 2018 and published for the period 3 January 2019 to 2 January 2022.

2. Proposed Revisions

- 2.1 In drafting the revised Gambling Policy, due regard has been taken to the current (5th) edition of the statutory 'Guidance to Licensing Authorities' (GLA) issued to local authorities by the Gambling Commission.
- 2.2 The proposed changes made to the revised Statement of Licensing Policy, as shown in **Appendix 2**, are only of a minor or administrative nature to reflect changes in the wording of the 5th GLA or for the sake of greater clarity/accuracy as any notable changes to the GLA were proactively incorporated into the council's Statement of Licensing Policy at its last three-yearly revision.

3. Review of Policy

- 3.1 It is proposed that the revised policy will come into effect on 3 January 2019 and remain valid for a period of three years, until 2 January 2022, unless it becomes necessary to make further revisions beforehand following changes to legislation, statutory guidance or local circumstances, for example.

4. No-casinos Resolution

- 4.1 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 2015, Full Council decided to approve a 'no-casinos' resolution.
- 4.2 The adoption of a no-casinos resolution requires ratification every three years so that it can be included in the current policy.
- 4.3 Specific mention regarding whether or not to adopt a 'no-casinos' resolution has been made within section 8 of the draft policy and the consultation advertisement will draw attention to this particular point.
- 4.4 It is recommended that Members renew the council's no-casinos resolution for a further three year period.

5. Consultation

- 5.1 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:
 - 5.1.1 The Chief Officer of Police
 - 5.1.2 One or more persons who appear to the Council to represent the interests of persons carrying on gambling businesses in the borough
 - 5.1.3 One or more persons who appear to the Council to represent persons who are likely to be affected by the exercise of the Council's functions under the Act

- 5.2 The Statutory Guidance states that the list of persons to be consulted is deliberately wide so as to allow licensing authorities to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in the Statement of Policy. It is however a matter for licensing authorities to develop their own consultation practices, including the methods for consultation and who they consider it necessary to consult with.
- 5.3 In accordance with good practice, and previous Statement of Policy consultations, it is therefore proposed to consult with:
- All Ward Councillors
 - Parish Councils
 - All bodies designated under s.157 of the Act as Responsible Authorities
 - Kent County Council Trading Standards
 - Association of British Bookmakers
 - National Casino Forum
 - British Amusement Catering Trade Association
 - Bingo Association
 - The British Horseracing Authority Limited
 - The Greyhound Board of Great Britain
 - British Beer and Pub Association
 - British Institute of Innkeeping
 - Gamblers Anonymous UK
 - Gamcare
 - Be Gamble Aware
 - National Problem Gambling Clinic
 - Responsible Gambling Trust
 - Samaritans
 - Citizen Advice Bureaux
 - Gordon Moody Association
 - The Grand
 - K Johnson Bookmakers
 - B Smith
 - Coral
 - Ladbrokes
 - Power Leisure Bookmakers Ltd (Paddy Power)
 - Pridmore
 - Betfred
 - Luxury Leisure
 - The General Public
- 5.4 A 6-week consultation is proposed, commencing no later than 17 September 2018. Methods of consultation will be via the council's website and notice board, and by direct email and mail shots.
- 5.5 All incoming responses will be collated and entered onto a grid for consideration.
- 5.6 The Regulatory Services Manager will conduct an evaluation of each response and give a recommendation, in consultation with other officers, as to whether or not to amend the policy statement and, if so, to what extent.

- 5.7 The grid and recommendations will be brought back to the Licensing Committee when it reconvenes on 6 November 2018 for further, post-consultation, consideration.
- 5.8 The amended version of the Gravesham Statement of Licensing Policy under the Gambling Act 2005 will then be presented to Full Council on 4 December 2018 for approval and published thereafter.

6. BACKGROUND PAPERS

- 6.1 None
- 6.2 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	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. 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 co-operation with the other licensing authorities within Kent.
Equality Impact Assessment	Screening for Equality Impacts
	Question
	<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? If yes, please explain answer.</p> <p>No</p>
	<p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer.</p> <p>No.</p>
Corporate Plan	There are direct links to Objective 1 - Safer Gravesham
Crime and Disorder	<p>Fulfilling powers and duties under the Gambling Act 2005 is of direct relevance to the Council's obligations under Section 17 of the Crime and Disorder Act 1998 in that the objectives of the Gambling Act 2005 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

	<p>gambling</p> <p>As member of the Kent and Medway Regulatory Licensing Steering Group we support a partnership approach to licensing and enforcement. This also directly reflects Section 17 requirements</p>
Digital and website implications	Minor website updates will be required
Safeguarding children and vulnerable adults	In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The 3rd licensing objective is, 'Protecting children and other vulnerable persons from being harmed or exploited by gambling.'