

**Classification:** Public

**Key Decision:** No

## Gravesham Borough Council

**Report to:** Licensing Committee

**Date:** 5 December 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 feedback to Members on the responses received during the public consultation on the review of the Gravesham Borough Council Statement of Licensing Policy under the Gambling Act 2005.

### **Recommendations:**

1. That members consider the recommendations shown in Appendix 3 and recommend for these to be incorporated in the Statement of Licensing Policy to be put before Full Council for approval on 18 December 2018.
2. That members recommend that Full Council ratify the existing no-casinos resolution for a further three years.

## **1. Background**

- 1.1 Section 349 of the Gambling Act 2005 requires Licensing Authorities to prepare and publish a Statement of Licensing Policy every three years. Such a policy must be published before the authority carries out any function in respect of applications made under the 2005 Act.
- 1.2 The current Statement of Licensing Policy under the Gambling Act 2005 was approved by Council on 8 December 2015 and was published on 3 January 2016. A new policy will therefore need to be adopted by Full Council on 18 December 2018 and published no later than 3 January 2019.
- 1.3 At its meeting of 8 December 2015, Full Council also approved a 'no-casinos' resolution as allowed under Section 166 of the Gambling Act 2005.
- 1.4 On 18 December 2018, Council will need to decide whether to ratify the 'no-casinos' resolution for a further three years so that it can be included in the new policy.

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

- 2.1 A draft Statement of Licensing Policy was drawn up as shown at **Appendix 2**.

- 2.2 The changes made to the revised Statement of Licensing Policy shown at Appendix 2 were only of a minor or administrative nature to reflect changes in the wording of the current (5<sup>th</sup>) edition of the statutory 'Guidance to Licensing Authorities' (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.
- 2.3 Specific mention of a 'no- casinos' resolution is made within section 8 of the draft policy and the consultation advertisement drew attention to this particular point.
- 2.4 At their meeting on 4 September 2018, the Licensing Committee considered the draft policy, advised on any relevant amendments identified, noted the proposed consultation process as outlined in the report and instructed officers to proceed with the same.

### **3. Consultation**

- 3.1 The Act requires a consultation process prior to determining the Statement of Licensing Policy. This consultation commenced on 11 September 2018 and ran for 6 weeks until 23 October 2018.
- 3.2 Consultees and consultation mechanisms were as previously outlined to the Committee.

### **4. Evaluation of Responses**

- 4.1 All incoming responses and recommendations were entered into an evaluation grid for consideration.
- 4.2 Evaluation of each response and a recommendation as to whether or not to amend the policy statement was conducted by the Licensing Officer and Regulatory Services Manager. Recommendations have been entered onto the grid which is attached as **Appendix 3** to this report.

### **5. Recommendations**

- 5.1 Members are asked to:
  - 5.1.1 consider the recommendations shown in Appendix 3 and recommend for these to be incorporated in the Statement of Licensing Policy to be put before Full Council for approval on 18 December 2018.
  - 5.1.2 recommend that Full Council ratify the existing no-casinos resolution for a further three years.

### **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
<b>Legal</b>	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.
<b>Finance and Value for Money</b>	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
<b>Risk Assessment</b>	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.
<b>Equality Impact Assessment</b>	<b>Screening for Equality Impacts</b>
	<b>Question</b>
	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. No
	b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No.
	<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>
<b>Corporate Plan</b>	There are direct links to Objective 1 - Safer Gravesham
<b>Crime and Disorder</b>	<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"> <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 support a partnership approach to licensing and enforcement. This also directly reflects Section 17 requirements</p>
<b>Digital and website implications</b>	Minor website updates will be required
<b>Safeguarding children and vulnerable adults</b>	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.'