

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Full Council

Date: 18 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 apprise Members of the steps taken in reviewing the Statement of Licensing Policy under the Gambling Act 2005.

Recommendations:

That Council to approve the revised Gravesham Statement of Licensing Policy under the Gambling Act 2005 (attached as Appendix 2 to this report), with the continued inclusion of a no-casinos resolution.

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 also 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 (5th) 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

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 Despite a wide reaching consultation, only six responses were received. All of them were either in support of the policy and/or 'no-casinos resolution' or contained proposals for sensible minor policy amendments. None of them were contentious or contained any objections to the draft policy.

3.3 The Licensing Committee considered the consultation responses at their meeting of 5 December 2018 and agreed amendments to the draft policy in line with officer recommendations and in close adherence to the statutory guidance.

3.4 These amendments have now been incorporated into the draft policy shown at Appendix 2.

4. Recommendations

4.1 Members are asked to approve the final draft version of the Gravesham Statement of Licensing Policy under the Gambling Act 2005 attached as Appendix 2 in order that it can be published by 3 January 2019.

5. BACKGROUND PAPERS

5.1 None

5.2 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	<p>Screening for Equality Impacts</p> <p>Question</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? If yes, please explain answer. 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. No.</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>
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 gambling <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.'