

Gravesham Borough Council

Report to: Licensing Committee
Date: 21 September 2009
Reporting officer: 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 note and 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 Statement of Licensing Policy under the Gambling Act 2005 was approved by Council on 12 December 2006.
- 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;
 - The Fire and Rescue Authority for the area;
 - 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. This also had due regard to a

'skeleton' policy issued by LACORS (Local Authorities Co-ordinators of Regulatory Services)

- 1.5 The aim of the county wide approach was two fold. Firstly, to promote consistency to the benefit of licensees, potential 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 2007 and will expire on 2 January 2009. The proposed draft policy shown as Appendix A will be required to be adopted by full Council on 8 December 2009 and published for the period 3 January 2010 to 2 January 2013.

2. Policy review

- 2.1 In drafting the revised statement of licensing policy for Gravesham due regard has been taken to the revised 'Guidance issued under section 25 of the Gambling Act 2005' issued by the Gambling Commission in May 2009.
- 2.2 The revised guidance has been closely examined and whilst most changes appear to be of a minor or administrative nature there are 3 more significant changes which are:
 - More detailed advice given as to the requirements for the splitting of premises (see pages 14 and 15 of the draft policy)
 - The introduction of Category B3A machines and increase in the number machines at a bingo premises shown on the Summary of Gaming Machines in appendix 5 of the Gambling policy
 - The increase of maximum stakes and prizes as detailed in the summary of maximum stakes and prizes as shown in appendix 7 of the Gambling Policy

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.
- 3.2 At its meeting of 12 December 2006 full Council decided to approve a 'no-casinos' resolution.
- 3.3 The adoption of a no-casinos resolution requires ratification every three years so that it can be included in the current policy.
- 3.4 Specific mention regarding whether or not to adopt a 'no casinos' resolution has been made within the draft policy 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

- 4.2 A consultation period of six weeks is proposed to run from 22 September until 3 November.
- 4.3 All incoming responses will be entered on to a grid for consideration as recommended by LACORS (Local Authorities Co-ordinators of Regulatory Services)
- 4.4 The Senior Licensing Officer will conduct an evaluation of each response and give a recommendation as to whether or 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.
- 4.5 The grid and recommendations will be put before Licensing Committee on 18 November for consideration

5. Equal Opportunities

- 5.1 The Gambling Act 2005 is fully inclusive and affects all people equally. The consultation pool is diverse and wide and includes all faiths and as many social groups as possible as well as organisations that deal with vulnerable persons and interested business groups.

6. Financial Implications

- 6.1 None

7. Risk Assessment

- 7.1 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 2010 as required may lead to negative publicity and criticism from central government.
- 7.2 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.

8. S. 17 Crime and Disorder Act 1998

- 8.1 Fulfilling powers and duties under the Gambling Act 2005 is of direct relevance to the Council's section obligations in that the objectives of the Act are:
 - 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 persons from being harmed or exploited by gambling
- 8.2 As members 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.

Background papers

Gambling Act 2005 and regulations thereunder

Guidance to Licensing Authorities issued by the Gambling Commission