

**Classification:** Public

**Key Decision:** No

## **Gravesham Borough Council**

**Report to:** Licensing Committee

**Date:** 13 September 2021

**Reporting officer:** Emily Lane-Blackwell, Senior Licensing Officer

**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 officer 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 18 December 2018.
- 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 will expire on 30 January 2022. It is a requirement of the Act, that a revised policy is published at least 4 weeks prior to it coming into

force. The proposed draft policy shown as Appendix 2 will therefore be required to be adopted by Full Council on 7 December 2021, be published by 3 January 2022 and commence on 31 January 2022.

## **2. Proposed Revisions**

- 2.1 In drafting the revised Gambling Policy, due regard has been taken to the current edition of the statutory 'Guidance to Licensing Authorities' (GLA) issued to local authorities by the Gambling Commission. The draft policy can be found as Appendix 2 to this report.
- 2.2 The majority of proposed changes made to the revised Gambling Policy are of a minor or administrative nature to reflect changes in the wording of the GLA or for the sake of greater clarity/accuracy.
- 2.3 We have added a section to the policy in relation to Small Society Lottery Registrations, which clarifies the process we would take should a registration be refused or cancelled. This can be found under Appendix 3 of the policy.

## **3. Review of Policy**

- 3.1 It is proposed that the revised policy will come into effect on 31 January 2022 and remain valid for a period of three years, until 30 January 2025, 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 18 December 2018, 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
  - Dartford, Gravesham and Swanley Clinical Commissioning Group
  - The Grand
  - Citizens Advice Bureau
  - British Beer and Pub Association
  - British Institute of Innkeeping
  - Gamcare
  - Gambleaware
  - Samaritans
  - Gordon Moody Association
  - B Smith
  - Coral
  - Ladbrokes
  - Power Leisure Bookmakers Ltd (Paddy Power)
  - Betfred
  - Luxury Leisure
  - Megabet UK Ltd
  - Luxury Leisure
  - Federation of Licensed Victuallers Association
  - Gravesham Street Pastors
  - The General Public
- 5.4 The Gambling Act 2005 (Licensing Authority Policy Statement) Regulations 2006 states: 'The statement or revision must be published by being made available for a period of at least 4 weeks before the date of which it will come into effect.'
- 5.5 A 4-week consultation is proposed, commencing no later than 14 September 2021. Methods of consultation will be via the council's website and notice board, and by direct email and mail shots.
- 5.6 All incoming responses will be collated and entered onto a grid for consideration.
- 5.7 The Senior Licensing Officer 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.

- 5.8 The grid and recommendations will be brought back to the Licensing Committee when it reconvenes on 2 November 2021 for further, post-consultation, consideration.
- 5.9 The amended version of the Gravesham Statement of Licensing Policy under the Gambling Act 2005 will then be presented to Full Council on 7 December 2021 for approval and published thereafter.

## **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
<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>	<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 2022 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 co-operation with the other licensing authorities within Kent.</p>
<b>Data Protection Impact Assessment</b>	<p><i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i></p> <p>a. Does the project/change being recommended through this paper involve the processing of <a href="#">personal data</a> or <a href="#">special category data</a> or <a href="#">criminal offence data</a>? A definition of each type of data can be found on the Information Commissioner's Office website via the above links.</p> <p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice?</p> <p>c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at <a href="mailto:gdpr@medway.gov.uk">gdpr@medway.gov.uk</a>.</p>
<b>Equality Impact Assessment</b>	<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>
<b>Corporate Plan</b>	<p>There are direct links to Corporate Objective 1 - People.</p> <p>Enforce high regulatory standards: put customer and employee safety first by ensuring commercial businesses and licence holders are fully compliant with expected legislative standards.</p>
<b>Climate Change</b>	N/A

<p><b>Crime and Disorder</b></p>	<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> <p>Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime.</p> <p>Ensuring that gambling is conducted in a fair and open way.</p> <p>Protecting children and other vulnerable persons from being harmed or exploited by gambling.</p> <p>As a 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>
<p><b>Digital and website implications</b></p>	<p>Minor website updates will be required.</p>
<p><b>Safeguarding children and vulnerable adults</b></p>	<p>In exercising most of their functions under the Gambling Act 2005, licencing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The 3<sup>rd</sup> licensing objective is Protecting children and other vulnerable persons from being harmed or exploited by gambling.</p>