

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Full Council

Date: 7 December 2021

Reporting officer: Melanie Norris, Director - Communities

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:

1. That Council approve the revised Gravesham Statement of Licensing Policy under the Gambling Act 2005, 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 18 December 2018 and was published on 3 January 2019. A new policy will therefore need to be adopted by Full Council on 7 December 2021 and published no later than 3 January 2022.
- 1.3 At its meeting of 18 December 2018, Full Council also approved a 'no-casinos' resolution as allowed under Section 166 of the Gambling Act 2005.
- 1.4 On 7 December 2021, 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. The majority of the changes made to the policy were only of a minor or administrative nature.

- 2.2 We added a section to the policy around Small Society Lottery Registrations, which clarifies the process we would take should a registration be refused or cancelled.
- 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 On 13 September the draft policy was presented to the Licensing Committee. The committee agreed for the draft policy to go out for consultation, following a few minor additions and amendments.
- 2.5 Members also discussed the idea of not having a 'no casinos' resolution, but decided they would revisit it when the policy was presented again post consultation.

3. Consultation

- 3.1 The Act requires a consultation process prior to determining the Statement of Licensing Policy. This consultation commenced on 14 September 2021 and ran for 4 weeks until 12 October 2021.
- 3.2 Despite a wide reaching consultation, only one response was received. This was purely advisory and no changes were made to the draft policy as a result.
- 3.3 We received no responses with regards to the proposed 'no casino' resolution.

4. Post Consultation

- 4.1 On 2 November 2021, the one consultation response and the revised draft policy incorporating the amendments requested by the Licensing Committee on 13 September 2021 were presented to them for consideration.
- 4.2 The Members also re-visited the discussion on the 'no casinos' resolution.
- 4.3 Following discussion, the Licensing Committee resolved that:
 - 4.3.1 Members recommend that Full Council approve the updated draft Statement of Licensing Policy, and;
 - 4.3.2 Members recommend that Full Council ratify the existing no-casinos resolution for a further three years.

5. Recommendations

- 5.1 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 2022.
- 5.2 Members are asked to ratify the 'no casinos' resolution for a further 3 years.

6. BACKGROUND PAPERS

- 6.1 Report to Licensing Committee on 13 September 2021 and associated minutes.
- 6.2 Report to Licensing Committee on 2 November 2021 and associated minutes.

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	<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>
Data Protection Impact Assessment	<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 personal data or special category data or criminal offence data? 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 gdpr@medway.gov.uk.</p>
Equality Impact Assessment	<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	<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>
Climate Change	N/A

<p>Crime and Disorder</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 enforcement. This also directly reflects Section 17 requirements.</p>
<p>Digital and website implications</p>	<p>Minor website updates will be required.</p>
<p>Safeguarding children and vulnerable adults</p>	<p>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 Gambling Act 2005. The 3rd licensing objective is Protecting children and vulnerable persons from being harmed or exploited by gambling.</p>