



AGENDA ITEM: 6

SUMMARY

Report for:	Licensing, Health & Safety and Enforcement Committee
Date of meeting:	28 July 2015
PART:	I
If Part II, reason:	

Title of report:	Review of licensing policies for alcohol, entertainment and gambling licences
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To present draft revisions to the Council's Statement of Licensing Policy under the Licensing Act 2003, and the Statement of Principles under the Gambling Act 2005.
Recommendations	That officers commence consultation with responsible authorities, representatives of licence-holders and other persons on the proposed revisions to the Council's Statement of Licensing Policy under the Licensing Act 2003, and the Statement of Principles under the Gambling Act 2005, and report the results to a future meeting of the Committee.
Corporate objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none"> • Maintain a clean and safe environment <p>Dacorum Delivers</p> <ul style="list-style-type: none"> • Performance excellence • Reputation and profile delivery
Implications:	<p><u>Equalities</u> A Community Impact Assessment will be presented with the consultation results.</p> <p><u>Financial / Value for Money / Risk / Health & Safety</u> None arising.</p>
Consultees:	This is a pre-consultation report. If the recommendation is approved, the results of public consultation will be reported to a future meeting of the Committee.

Background papers:	Draft Statement of Licensing Policy 2016-2021 Draft Statement of Principles 2016-2019 <i>(both circulated separately)</i>
Glossary of acronyms and any other abbreviations used in this report:	

1. BACKGROUND

- 1.1. Two of the major regulatory regimes under which the Council has statutory responsibilities are the licensing of alcohol supplies, regulated entertainment and late night refreshment under the Licensing Act 2003; and of non-remote gambling activities such as betting, prize gaming (including bingo and poker), provision of gaming machines and promotion of lotteries under the Gambling Act 2005.
- 1.2. Both of these Acts require licensing authorities (district councils or unitary authorities) to publish written policies, setting out how they intend to exercise the licensing and enforcement powers conveyed to them under the Acts, the principles that they will follow, and their expectations of licensees. These policies must be periodically reviewed, so as to ensure that they reflect the current legislation, and are relevant to the issues arising in the authority's area.
- 1.3. Dacorum last reviewed its licensing policies in 2010 (Licensing Act 2003) and 2012 (Gambling Act 2005). Both policies are due for review and replacement by January 2016, in order to satisfy the statutory requirements in the Acts.
- 1.4. Officers have prepared revised licensing policy documents under both Acts to take into account recent legislative change and case law, and also to reflect the experiences of the licensing authority and address issues which have emerged in this period. These documents have been circulated under separate cover. The major changes are summarised below, and in addition both documents have undergone comprehensive reformatting and rearrangement, to make them more 'user-friendly'.
- 1.5. The Committee are asked to approve consultation on the revised policies. Both Acts specify a number of requirements for consultation on policy change, including lists of the categories of people who should be consulted, and the consultation on the revised policies will be carried out with regard to these requirements, and to the Government's consultation principles.
- 1.6. An 8-week consultation period is proposed, in order to bring the results to the Committee's October meeting and Full Council in November.
- 1.7. The final decision to adopt or revise a licensing policy under these Acts must be made by Full Council. Following consultation, the Committee will be asked to resolve to recommend the adoption of the revised policies (with any additional revisions after considering the consultation responses) by the Council later this year.

2. CHANGES TO STATEMENT OF LICENSING POLICY (LICENSING ACT 2003)

- 2.1. The 2003 Act has seen significant change since the Statement of Licensing Policy was last reviewed, and the licensing authority has been involved in a number of cases which it would be appropriate to reflect within its policy statement.
- 2.2. This has meant that the proposed draft Statement has undergone a thorough rewrite, with almost every section undergoing some form of amendment. It is therefore not considered appropriate to offer a list of changes here, as this is essentially an entirely new document rather than an incremental evolution from the present version.
- 2.3. That said, there are no major changes proposed to the policies adopted by the licensing authority, nor the approach that will be taken to the exercise of functions under the Act. The amendments made aim to reflect the experience of the authority gained over the last 5 years, and to improve the advice and statements of expectations made to licensed businesses, current and prospective, and to other persons affected by those businesses.

3. CHANGES TO STATEMENT OF PRINCIPLES (GAMBLING ACT 2005)

- 3.1. The gambling legislation has seen far fewer changes in recent years, with the majority of amendments affecting the regulation of remote gambling, regulated by the Gambling Commission, rather than non-remote gambling which falls to licensing authorities. As a consequence, fewer changes have been proposed to the Statement of Principles.
- 3.2. The major areas of change which have been proposed include:
 - Clearer statements around moral objections to gambling, and demand issues
 - A reference to the Hertfordshire LEP's 'Better Business For All' business regulation charter, of which Dacorum is a signatory
 - A new principle highlighting that the authority will not accept CCTV as a replacement for an adequate staff presence in licensed premises
 - Highlighting that email is now our preferred means of communication, reflecting the paperless office environment adopted by the Council
 - A reference to primary authority partnerships in the gambling sector
 - Greater information about the provision and use of gaming machines, and the authority's expectations in this area
 - A note about the ongoing controversy around category B2 gaming machines (FOBTs)
 - Update on primary gambling activity issues (now referred to as appropriate licensing environment)
- 3.3. A new section has been added in respect of the local area profile and local risk assessments. These are new provisions included within the (as-yet-unpublished) 5th edition of the Gambling Commission's guidance to licensing authorities, which suggests that licensing authorities compile the results of a comprehensive assessment, to help influence the future positioning of gambling premises within their areas. By referencing rather than including

this with the policy statement, the authority will have more flexibility to update this as new data becomes available. It is intended that this document will be developed, in conjunction with the responsible authorities and other partner agencies, with a view to publication alongside the Statement of Principles next year.

4. RECOMMENDATION

- 4.1. That officers commence consultation with responsible authorities, representatives of licence-holders and other persons on the proposed revisions to the Council's Statement of Licensing Policy under the Licensing Act 2003, and the Statement of Principles under the Gambling Act 2005, and report the results to a future meeting of the Committee.**