

LICENSING AND SAFETY COMMITTEE

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UPDATE TO THE LICENSING AND GAMBLING STATEMENTS OF POLICY

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Summary

The purpose of this report is to update the Licensing and Safety Committee on work currently being carried out following changes in legislation requiring changes to be made to the Statements of Policy in respect of Licensing & Gambling.

1. Budget and Policy Framework

1.1 The statement of Licensing Policy under the Licensing Act 2003 is a non-executive function and under the Council's Constitution is a matter reserved ultimately for Council. A revision to the policy is therefore a matter for full Council. Amendments to the statement of policy under the Gambling Act 2005 must also be approved by full Council.

2. Background

2.1 The current policy documents have provided a stable but flexible background to the Council's consideration of licensing applications. This is illustrated by the fact that neither of the policies has been legally challenged.

2.2 Officers are of the view that the existing statements of policy are working well in achieving the promotion of the licensing objectives.

2.3 In accordance with legislation both policies are now due to be reviewed and as part of this review consideration will be given to the requirements of changes in legislation and guidance issued.

2.4 In respect of the Gambling Statement the aim of the revision is to amend sections where required to keep the document up to date, provide additional information where relevant and the inclusion of a statement of principles.

2.5 In respect of the Licensing Statement the revision is required to take account of all legislative changes that came into force in April along with others that are due to be announced in late October 2012.

2.6 Revisions may also be made as a result of issues raised during consultation, but at this stage the only revisions officers are suggesting are those required as a result of legislative changes and as set out above.

3. Risk Management

3.1 The review of the policy statements required by changes in legislation are key documents in relation to the Council's position in continuing to implement both the Licensing and Gambling Act's objectives and consideration of subsequent applications.

4. Financial and legal implications

4.1 There are no direct financial implications for Medway Council concerning this matter at present. However, if at any time in the future either of the policy documents was subject to legal challenge, there could be costs associated with this process.

4.2 It should be noted that an inappropriately worded policy could result in a legal challenge by way of judicial review.

4.3 The revised policies are to be prepared taking account of the changes in legislation and guidance requirements issued. The revised documents are to be advertised and put out to consultation in accordance with the required timescales on the proposed amendments

5. Recommendation

5.1 The Committee authorises officers to amend the statements of policy for Licensing and Gambling in accordance with the changes in legislation and guidance issued, advertise and consult with all relevant interested parties.

5.2 The results of both consultations to be reported back to a future Licensing and Safety Committee together with a revised version of the statements of policy for recommendation to Cabinet and Full Council for approval.

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Background papers

The Licensing Act 2003
Guidance issued under section 182 of the Licensing Act 2003
Gambling Act 2005
Gambling Commission Guidance