

Specific Policy Comments

The draft statement of principles starts with a statement that indicates that the fundamental principle of the statement is that in carrying out its functions, the Licensing Authority will promote the three licensing objectives. It is important that there is no confusion between the Licensing Act 2003 and Gambling Act 2005 regimes. Under Gambling Act 2005, the Licensing Authority is required to “have regard” to the licensing objectives whilst applications and the operation of licensed premises must be “reasonably consistent” with the licensing objectives. The only body upon whom Gambling Act 2005 confers a duty to promote the licensing objectives is the Gambling Commission.

Paragraph 2.4 of the draft statement of principles explains the Licensing Authority’s approach to location of premises and paragraph 2.4.2 indicates that the Licensing Authority will consider very carefully applications in proximity to schools, leisure centres and premises used specifically or to a large degree by young or vulnerable persons. The statement of principles should be clear that there is no higher evidential burden when premises fall where applications are made within such areas and in any event, these matters will be taken into account by the local area risk assessment undertaken from 6th April 2016. Those risk assessments will acknowledge potential risks to the licensing objectives and detail mitigation measures, policies and procedures in place to address those risks.

The ABB welcomes the statement of paragraph 2.9.1 that the Licensing Authority will only consider imposing conditions where there is evidence of regulatory concerns of an exceptional nature. It is important that the statement of principles is clear that conditions will only be imposed where there is evidence of a need to do so is made.

We respectfully submit that the draft statement of principles would be assisted by an indication that the starting point for consideration for any application is that it will be granted subject only to

the mandatory and default conditions as these are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives.

Paragraph 3.1 introduces the risk assessments which must be taken from 6th April 2016 and provides a list of matters that may be included within that risk assessment. We respectfully submit that this list be redrafted as it contains matters that have no bearing whatsoever on the licensing objectives such as gaming trends that may mirror days for financial payments/ or benefit payments and the proximity of premises to places of worship. The requirement is to address risks to the licensing objectives. Benefit payment days and the proximity of churches/ places of worship will have no impact whatsoever on the licensing objectives and therefore these should be removed from the list.