



## CONSULTATION: GAMBLING ACT 2005 (LICENSING AUTHORITY POLICY STATEMENT) (ENGLAND AND WALES) REGULATIONS

### Response from the British Beer and Pub Association

The trade association representing the interests of owners and operators of over 35,000 public houses throughout the UK

24 February 2006

#### General Comments

The BBPA welcomes the opportunity to comment on the draft regulations for Three-Year Licensing Policy Statements.

The BBPA agrees that it is helpful for some of the form, content and procedure related to the statement of licensing policy to be prescribed and we welcome these regulations.

During the implementation of the Licensing Act 2003 the Association reviewed over 350 statements of licensing policy and is aware of the difficulties and costs which are involved in this process. We therefore wish to respond to this consultation with the aim of reducing difficulties and costs for *all* parties.

We agree with the sentiment in paragraph 3.12 of the consultation document that licensing authorities may face extra financial burdens if no guidance on the licensing policy were provided.

The majority of the problems encountered during the implementation of the Licensing Act have arisen because of variety in local statements of licensing policy. Local statements of licensing policy varied dramatically in form and content. Some ran to 200 pages whilst others only 12. It is therefore desirable to place some sort of limit on the length of licensing policy.

Gambling licensing is easily divisible into different types of gambling and the regulations should therefore specify that the policy should be presented in a format which clearly makes this distinction. Specifying that each policy should contain one chapter on casino gambling, one on betting shops, one on gaming machines in pubs and other alcohol licensed premises etc would

make the task of reviewing the policies much easier and quicker for the interested trade bodies.

It is important for guidance to licensing authorities to include clear indications of what it is and what it is not possible for them to prescribe. For example, under Schedule 13, 5(1) of the Gambling Act 2005, a licensing authority may not attach conditions to a Licensed Premises Gaming Machine Permit. It would be very helpful if clear statements of this nature were included.

It has ultimately been necessary in some cases to seek judicial review proceedings against local authorities to rectify misinterpretations of primary legislation. This is of course at high cost to all parties involved. We feel that prescribing the contents of the licensing policy would help to reduce the likelihood of this situation recurring.

### **Consultation arrangements**

We are concerned that the wording of paragraph 8(2) of the draft regulations may allow licensing authorities to publish their statement or revision very late and the regulations as currently drafted do not contain a specific consultation process. We consider it to be imperative that this paragraph be redrafted to require licensing authorities to hold a 12 week consultation period, as laid down in Government guidelines, on new statements and revisions. They should also be required to take due regard of the responses to the consultation process and allow sufficient time for this.

During the implementation of the Licensing Act 2003 we have found that newspaper advertising is a costly and often ineffective method of publicising consultations and we would not recommend its future use.

As there is a small core of trade organisations (BACTA, BCA, BEDA, BBPA and a few others) which would be interested in reviewing the policies would it be possible to make a list of these organisations available to licensing authorities so that they can involve them in the consultation process rather than each organisation contacting each council in turn requesting consultation?

We are grateful for the opportunity to comment on these draft regulations and we look forward to working with the Department and local authorities to ensure a smooth transition to the Gambling Act 2005.



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**Director, Pub & Leisure**