

## The Racecourse Association

### Response to Consultation on Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations

#### 1 Introduction

- 1.1 The Racecourse Association is the industry body that represents the interests of horse racecourses in Great Britain. We are grateful for an opportunity to respond to the present consultation and set out our thoughts below.

#### 2 Response

##### Form of statement

- 2.1 Our 59 members are spread across the whole of the UK, and may well fall under the jurisdiction of 59 different licensing authorities. It is also possible that some racecourses may lie in two different authorities' areas. On this basis, we feel that the more standardised **in format** the policy statements can be, the easier it will be for the RCA to advise racecourses on premises licence issues as a group throughout the transitional process and beyond.
- 2.2 From experience of the Licensing Act 2003, there is a very wide discrepancy in interpretation of the Act and the guidance. This can cause serious difficulties, not only for applicants, but also for licensing authorities where it transpires that their interpretation of the legislation is wrong, and their policies are subsequently challenged. Whilst we support the need for licensing authorities to retain a discretion to deal with the specific characteristics of their areas, we feel that as far as possible, procedural aspects at the very least should be uniform across all areas. We accept that this may be delivered in the Guidance rather than through regulations.
- 2.3 We also feel that it would be helpful to try to ensure that policy statements are as easily comparable as possible. In order to achieve this, we suggest that the format of each policy statement is the same, and that they are all organised around a common index. The indexed structure could be included as an Annex to the regulations. By taking this approach, licensing authorities retain control over the substance of their policies, but are required to produce them in a consistent form. If there is an index heading for a topic that the licensing authority chooses not to address, the statement could simply read "The licensing authority makes no statement in relation to [*section title*]".
- 2.4 We suggest as a form of index:
- (a) Introduction and Summary of main policy decisions
  - (b) Description and map of the area
  - (c) Consultation report
  - (d) Principles – designating child protection body (s157(h))
  - (e) Premises licence application procedure
  - (f) Principles – determining "interested parties" (s158)
  - (g) Principles on which premises licence applications determined:

- (h) (i.e Codes of Practice, Codes of Practice and Licensing Objectives)
  - (i) Occasional Use Notices
  - (j) Licensing Committee and Sub-Committee structure
  - (k) Enforcement and Principles – inspection of premises and powers to institute proceedings (s346)
- 2.5 We do not believe this in any way inconveniences or fetters the licensing authorities freedom with regard to setting its policy but would assist greatly in the analysis and comparison of policies across numerous licensing authorities.

### 3 **Consultation**

- 3.1 We note that the Act does not allow regulations to be made dealing with the specifics of consultation on licensing authorities' policy statements. We feel strongly that a uniform approach to consultation, or at least a 'minimum criteria' approach, should be clearly laid out in the proposed Guidance, particularly in terms of timescales and the categories and number of interested parties that should be consulted. Racecourses will need to inspect draft policies to ensure that their unique nature has been taken account of, and a consistent approach to consultation will ensure that they, and other portfolio operators, are not prejudiced by missing the chance to respond if licensing authorities should adopt different processes and time limits on responses for example.

### 4 **Publication**

- 4.1 We support a uniform approach to publication, but would suggest that all authorities ought to give notice of publication not only in a local newspaper, but also in writing to those interested parties who responded to consultation.

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