

20th February 2006

Jill McKenzie
Department for Culture, Media and Sport
3rd Floor
2-4 Cockspur Street
London
SW1Y 5DH

Dear Ms McKenzie,

**Re: Consultation – Gambling Act 2005 (Licensing Authority Policy Statement)
(England and Wales) Regulations.**

Rank Group Gaming Division endorse the Department's approach in imposing Statutory requirements on all licensing authorities in relation to the drafting and review of Policy Statements.

We agree that regulation needs to be made to provide consistency and transparency and to ensure that policies are regularly reviewed. Problems have been experienced with certain authorities failing to review "policies" adopted under Gaming Act 1968.

It is appreciated that the proposed regulations only prescribe the form and procedure to be adopted in preparing, reviewing and publishing policies but clearly it is the content of such policies that will be crucial to stakeholders.

The experience of the application of policies prepared under Licensing Act 2003 is that many authorities attempted to be over-prescriptive. Indeed a successful challenge to the policy adopted by Canterbury City Council resulted in the Council being required to re-draft its policy. There are further applications for judicial review pending in relation to the rigid application of policies.

Given the lack of experience of authorities in England and Wales in relation to the licensing and regulation of gambling premises the role of the Gambling Commission's Guidance will be crucial in ensuring that policies are able to stand up to scrutiny in the event of challenge.

The Act requires that authorities must have regard to the Guidance in exercising its functions under the Act, including the preparation of policy statements. It is perhaps important for a statement to this effect to be included in the Order. As it is a specific statutory requirement under the Act it could presumably be incorporated into the Explanatory Notes.

Likewise the consultation referred to in Paragraph 6 will be crucial, particularly at the outset, given the inexperience of local authorities in this area. The Guidance under Licensing Act 2003 specified in more detail the general nature of the representatives that should be consulted. However, experience has showed that the consultation process in many cases was extremely restricted.

Again the consultation requirements are dealt with on the face of the Act at Section 349 but should mention be included in the Explanatory Notes to the Order? Should there also be a requirement for recognised Trade Associations to be consulted on the drafting and review of policies?

To ensure that there is full consultation it is however thought that the order should include a further sub-paragraph in paragraph 7 to require that a period be specified for consultation with stakeholders and the receipt of representations (particularly relevant to the review of policies).

Lastly, in relation to the publication of policy documents we would wholeheartedly support the requirement for policy documents to be placed on an authority's website, again given the experience of Licensing Act 2003 and the difficulties in accessing such documents.

Yours sincerely

DAVID BODEN
Divisional Managing Director
Rank Group Gaming Division
RANK GROUP PLC