

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

14 December 2009

Report of Central Services Director

Part 1 – Public

Matters for Recommendation to Council

1 GAMBLING ACT 2005: DRAFT STATEMENT OF REVIEWED LICENSING POLICY

Summary

The purpose of this report is to recommend that the Council adopt, for consultation purposes, a draft reviewed Gambling Policy Statement based upon the Kent Model and to approve arrangements for local consultation.

1.1 Introduction

1.1.1 As Members will recall, under the Gambling Act 2005, the Council is required to adopt a Gambling Policy Statement to last for a maximum of three years. The existing Policy Statement has not been previously reviewed or revised and is approaching the end of its three year life. Under the Gambling Act the development of the policy is a wholly non-Executive function and has to be adopted by Council on the recommendation of the “licensing authority”, which is defined as the committee set up by the Council to be the licensing authority for the purposes of the Licensing Act 2003.

1.1.2 Our timetable for achieving this is as follows:

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|------------------|--|
| 14 December 2009 | Licensing and Appeals Committee adopts draft revised statement for consultation purposes |
| 11 March 2010 | Licensing and Appeals Committee with result of consultation process |
| 16 March 2010 | Policy Overview Committee |
| 30 March 2010 | Cabinet |
| 20 April 2010 | Council for approval |

1.2 Gambling Policy Statement

1.2.1 The policy statement has to be reviewed every three years. The purpose of the policy statement is to set a framework which enables the licensing authority to constrain the excesses of deregulation, whilst remaining flexible enough to deal with innovations in the development of the trade.

1.2.2 I set out in (**Annex 1**) a draft revised Gambling Policy Statement for this Council which only has minor amendments to the original policy. These amendments are highlighted in italics at pages 7, 10, 11, 13, 14 and 21. This document is based very closely upon the Kent model, prepared by the Kent and Medway Regulatory Licensing Steering Group, with some minor adjustments to reflect the culture of our organisation. This document sets out how the Council is going to administer the Act in controlling the provision of gambling based on the statutory licensing objectives which are:-

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

1.2.3 The Gambling Act requires that the following parties be consulted by Licensing Authorities:

- The Chief Officer of Police for the Authority's area;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

1.3 Consultation process

1.3.1 Before determining its policy statement, the licensing authority must consult the persons specified in the Act. These are:

- (a) Kent Police;
- (b) Kent and Medway Fire and Rescue Service;
- (c) persons/bodies representative of persons who will become local holders of premises licences;

- (d) persons/bodies representative of persons who will become local holders of club premises certificates;
- (e) persons/bodies representative of persons who will become holders of personal licences; and
- (f) persons/bodies representative of businesses and residents in its area.

1.3.2 The views of all these persons/bodies listed should be given appropriate weight when the policy is determined.

1.3.3 Beyond the statutory requirements, it is for each licensing authority to decide the full extent of its consultation and for it to decide whether any particular person or body is representative of the group described in the statute. Government guidance is that, when undertaking consultation exercises, licensing authorities should have regard to the cost and time and that consultations should mainly be targeted rather than general.

1.3.4 It is our intention to make the draft revised policy statement available as widely as possible, including on our website, so that everyone has the maximum opportunity to make comments.

1.4 Legal Implications

1.4.1 The Council has an obligation under the Gambling Act 2005 to review and revise the original policy statement.

1.5 Financial and Value for Money Considerations

1.5.1 The cost of the consultation process is provided for within the existing budget provision.

1.6 Risk Assessment

1.6.1 Not applicable.

1.7 Recommendations

1.7.1 Members are **recommended** to:

- 1) adopt the draft revised Gambling Policy Statement for consultation purposes;
- 2) agree that consultations may be commenced immediately, prior to approval of the draft statement by Council.

Background papers:

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Gambling Act 2005 and Statutory Guidance

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