

# TONBRIDGE & MALLING BOROUGH COUNCIL

## LICENSING & APPEALS COMMITTEE

24 May 2012

### Report of the Chief Solicitor

#### Part 1- Public

#### Delegated

### 1 GAMBLING ACT 2005 DRAFT STATEMENT OF LICENSING POLICY

#### 1.1 Summary

1.1.1 Section 349 of the Gambling Act 2005 requires Licensing Authorities to prepare and publish a Statement of Principles (Policy), which must be reviewed every three years.

1.1.2 The statement sets out the principles that Tonbridge and Malling Borough Council as Licensing Authority proposes to apply when exercising its functions under the Gambling Act 2005.

1.1.3 The current Gambling Act 2005 Statement of Principles (Policy) runs from 14 January 2010 until 14 January 2013.

1.1.4 In order to ensure the revised Statement of Principles (Policy) is approved and published by 14 January 2013, the proposed timetable is set out below –

Draft policy consultation - twelve weeks from the 1 June 2012 until 24 August 2012. A copy of the draft policy is as **Annex 1**

Feedback from consultation – to be reported to the next meeting of this Committee on 18 September 2012

Approval of policy by full Council – 6 November 2012

#### 1.2 Background

1.2.1 The Gambling Act 2005 replaced most of the existing law about gambling in Great Britain and put in place an improved, more comprehensive structure of gambling regulation. This included a new structure of flexible protection for children and vulnerable adults and, in particular, brought the burgeoning Internet gaming sector within British regulation. It created a new independent regulatory body, the Gambling Commission, which is the national regulator for commercial gambling in Great Britain.

1.2.2 In a similar way to the Licensing Act 2003, the Gambling Act is founded upon key licensing objectives. The objectives within the 2005 Act 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; and
- protecting children and other vulnerable persons from being harmed or exploited by gambling

1.2.3 Under the Act, Local authorities issue premises licences for:

- Casinos
- Betting Offices and Race Tracks
- Bingo Clubs
- Adult Gaming Centres
- Family Entertainment Centres

1.2.4 Local authorities Issue permits for:

- Gaming machine in members' clubs
- Gaming in members' clubs
- Unlicensed Family Entertainment Centres (Category D machines only)
- Prize gaming

1.2.5 In addition, Local authorities also issue:

- Temporary Use Notices
- Provisional Statements
- Undertake inspections and enforce the conditions on the licences, permits and notices issued

1.2.6 The categories under the Gambling Act 2005 are:

- Casinos
- Commercial Bingo Clubs
- Licensed Betting Premises
- Gaming Machine Premises

- Horse and dog racecourses

### 1.3 Legal Implications

- 1.3.1 Section 349 of the Act requires each licensing authority to prepare and publish a statement of principles that they propose to apply in exercising their functions under the Act. The Policy will last for a 3 year period, but can be reviewed at any time during that period.

### 1.4 Financial and Value for Money Considerations

- 1.4.1 Fee levels for licences and permits are set by the Licensing Authority.

### 1.5 Risk Assessment

- 1.5.1 The introduction of a policy should provide a transparent and consistent basis for decision making. This in turn should reduce the risks of decisions being challenged in the Courts.

### 1.6 Recommendations

- 1.6.1 Members are **RECOMMENDED** to approve the draft policy for consultation

Background papers:

Nil

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Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	The implementation of a policy will provide consistency of approach and a transparent basis for decision making under the Act.  The government has carried out an equality impact assessment of the changes to the 1982 Act, which has found that no unintended or disproportionate impact is likely.

<b>Screening for equality impacts:</b>		
<b>Question</b>	<b>Answer</b>	<b>Explanation of impacts</b>
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		