

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

18 September 2012

Report of the Chief Solicitor

Part 1- Public

Matters for Recommendation to Council

1 GAMBLING ACT 2005 DRAFT STATEMENT OF LICENSING POLICY

1.1 Summary

- 1.1.1 Section 349 The Gambling Act 2005 requires Licensing Authorities to prepare and publish a Statement of Principles (Policy) and it must be reviewed every three years.
- 1.1.2 The statement sets out the principles that Tonbridge and Malling Borough Council, the 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 The proposed Gambling Act 2005 Statement of Principles (Policy) is due for publication on the 14 January 2013 and went out for consultation for twelve weeks from the 1 June 2012 until 24 August 2012. This is attached as **Annex 1**
- 1.1.5 Two responses were received as a result of the consultation from Ditton Parish Council and Hadlow Parish Council; both these responses agree with the policy and have no comments to make. A summary of the feedback is attached as **Annex 2**

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, brings 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 The licensing objectives:

- 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 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 issues:

- 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 racecourse

1.3 Legal Implications

- 1.3.1 Under the Act, the Licensing Authority Statement of Policy will last for a maximum of three years and is required to be adopted by Full Council.

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 approval of a policy provides 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 commend the draft policy to Council for approval.

Background papers:

Nil

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Licensing Manager

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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	No	The implementation of a policy will provide consistency of approach and a transparent basis for decision making under the Act.

Screening for equality impacts:		
Question	Answer	Explanation of impacts
different groups in the community?		
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?		