

# TONBRIDGE & MALLING BOROUGH COUNCIL

## LICENSING & APPEALS COMMITTEE

22 September 2015

### Report of the Director of Central Services and Monitoring Officer

#### Part 1- Public

#### Matters for Recommendation to Council

### 1 GAMBLING ACT 2005 – REVISED STATEMENT OF POLICY

#### 1.1 Executive Summary

- 1.1.1 Section 349 of the Gambling Act 2005 requires all Licensing Authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three year period to which the policy applies.
- 1.1.2 The Council's current Statement of Principles for the Gambling Act 2005 took effect from 14 January 2013 and will run until 14 January 2016.
- 1.1.3 In preparing a statement, the Council will have regard to guidance issued by the Gambling Commission. The Commission has just completed consultation on the 5th edition of the guidance, and intend to publish their response in late September/early October 2015. Unfortunately, due to the proposed timing of publication, it will not be possible to prepare and consult on a revised version of our policy in order to ensure both that it reflects the amended guidance and is in force by January 2016.
- 1.1.4 Given the above, it is therefore intended to re-instate the existing version of the policy with effect from January 2016, subject only to minimal changes to ensure accuracy (change of contact details etc).
- 1.1.5 A draft copy of the draft policy is shown at **Annex 1**. On publication of the revised guidance from the Gambling Commission a further review of the statement will take place to determine whether any modifications are required. It is anticipated this further review will take place early in 2016.

#### 1.2 Legal Implications

- 1.2.1 Under the Gambling Act 2005, the Licensing Authority Statement of Policy will last for a maximum of three years.
- 1.2.2 In preparing a statement or revision of the Statement of Policy, the Council is required to consult the Chief Officer of Police, together with representatives of

local gambling trade and others likely to be affected by the exercise of the Council's functions under the Act. It is proposed to carry this consultation exercise out for a 4 week period commencing 23 September to 23 October 2015. However, given that the policy will substantively remain the same we do not expect to receive any adverse comments.

- 1.2.3 The policy must be approved by Full Council on the recommendation of the Licensing and Appeals Committee. Once adopted, the Statement must be published & advertised in accordance with specific provisions set out in the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006.

### **1.3 Financial and Value for Money Considerations**

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

### **1.4 Risk Assessment**

- 1.4.1 The statement of 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

### **1.5 Equality Impact Assessment**

- 1.5.1 There is no perceived impact on end users.

### **1.6 Recommendations**

- 1.6.1 Members are requested to RECOMMEND to Council that, subject to no adverse comments being received during the consultation period, the existing version of the policy be re-adopted for a period of 3 years with effect from January 2016, subject to minor changes.

Background papers:

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Gambling Act 2005

TMBC Statement of Policy

Gambling Commission Web site

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