

# TONBRIDGE & MALLING BOROUGH COUNCIL

## LICENSING & APPEALS COMMITTEE

02 October 2018

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

#### Part 1- Public

#### Matters for Recommendation to Council

## 1 GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES FOR GAMBLING

### 1.1 Executive Overview

- 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 2016 and will run until 14 January 2019.
- 1.1.3 In preparing a statement, the Council has had regard to guidance issued by the Gambling Commission.
- 1.1.4 The proposed Gambling Act 2005 Statement of Principles (Policy) is due for publication on the 31 January 2019 and went out for consultation for twelve weeks from the 22 June 2018 until 31 August 2018. This is attached as **Annex 1**
- 1.1.5 Only one Representation has been received from HM Revenue & Customs informing us of a new address to use as a Responsible Authority.

### 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 racecourses

### 1.3 Consultation

#### 1.3.1 The following process steps enabled development of this policy

Draft consultation agreed at the Licensing and Appeals Committee	19 June 2018
Public Consultation	22nd June 2018 until 31 <sup>st</sup> August 2018
Licensing and Appeals Committee agrees the policy and recommends to Full Council for adoption	2 <sup>nd</sup> October 2018
Full Council adopt policy	30 <sup>th</sup> October 2018
New Policy comes into force	15 January 2019

### 1.4 Representations

#### 1.4.1 Only one Representation has been received from HM Revenue & Customs informing us of a new address to use as a Responsible Authority.

Excise Processing Team  
HM Revenue and Customs  
BX9 1GL  
United Kingdom

#### 1.4.2 This change is shown in **Annex 1** on page 9 under Responsible Authorities.

### 1.5 Legal Implications

#### 1.5.1 Under the Gambling Act 2005, the Licensing Authority Statement of Policy will last for a maximum of three years.

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.

#### 1.5.2 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.

**1.6 Financial and Value for Money Considerations**

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

**1.7 Equality Impact Assessment**

1.7.1 There is no perceived impact on end users.

**1.8 Recommendations**

That the draft Statement of consultation, attached as **Annex A**, be approved

Background papers:

Existing Policy

Gambling Act 2005

Gambling Commission Web site

contact:

Anthony Garnett 6151

Katie Shipman 6027

Adrian Stanfield

Director of Central Services and Monitoring Officer