

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

08 March 2022

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 15th January 2019 – 30th January 2022.
- 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 1st May 2022 and went out for consultation for twelve weeks from the 19th November 2021 until 31st January 2022. This is shown at **Annex 1**
- 1.1.5 Only one Representation has been received from Fire Risk and Inspection Team informing us of a new address and email 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	16 November 2021
Public Consultation	19 November 2021 until 31 January 2022
Licensing and Appeals Committee agrees the policy and recommends to Full Council for adoption	8 March 2022
Full Council adopt policy	12 April 2022
New Policy comes into force	1 May 2022

1.4 Representations

1.4.1 Only one Representation has been received from Kent Fire Risk and Inspection Team informing us of a new address and email address to use as a Responsible Authority.

Building Safety
 Fire Risk and Inspection Team
 Maidstone Fire Station
 Loose Road, Maidstone
 ME15 9QB
buildingsafety.maidstone@kent.fire-uk.org

1.4.2 This change is shown in **Annex 1** on page 54 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 1**, be approved

Background papers:

Existing Policy
Gambling Act 2005
Gambling Commission Web site

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