

## REVISED STATEMENT OF PRINCIPLES FOR GAMBLING ACT 2005 POLICY

### LICENSING COMMITTEE – 10 OCTOBER 2012

Report of the: **Director of Community and Planning Services**

Status: For Consideration

Also considered by: Council – 27 November 2012

Key Decision: No

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Executive Summary: 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. The previous Statement was issued in January 2010.

Sevenoaks District Council has had a draft Statement of Licensing Policy for the Gambling Act 2005 out to consultation and feedback was invited by 21 September 2012.

Attached with this report is the summary of the feedback Sevenoaks District Council has received as part of the recent consultation (Appendix A). This is for Members to consider including in the final policy (Appendix B).

The final draft will be presented to full Council for ratification on 27 November 2012 to become policy.

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### **This report supports the Key Aim of Safe and Caring Communities and Dynamic and Sustainable Economy**

**Portfolio Holder** Cllr. Mrs. Bracken

**Head of Service** Head of Environmental and Operational Services – Mr. Richard Wilson

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**Recommendation:** It be RESOLVED that the policy be recommended for adoption by Full Council.

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### **Background**

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.

2. The Act also puts in place a strong role for local authorities in licensing gambling premises in their area, and authorities are able to resolve not to licence any new casinos in their area if they do not want them.

### **Introduction**

3. The licensing objectives as set out in the Gambling Act 2005:
  - 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
4. Local authorities
  - Issue premises licences for Casinos, Betting Offices and Race Tracks, Bingo Clubs, Adult Gaming Centres and Family Entertainment Centres.
  - Issue permits for Gaming machine in members' clubs, Gaming in members' clubs, Unlicensed Family Entertainment Centres (Category D machines only) and Prize gaming
  - Issue Temporary Use Notices, Provisional Statements and Undertake inspections and enforce the conditions on the licences, permits and notices issued.
5. The categories under the Gambling Act 2005 are:
  - Casinos
  - Commercial Bingo Clubs
  - Licensed Betting Premises
  - Gaming Machine Premises
  - Horse and dog racecourses

### **Amendments to the Policy**

#### Club Gaming and Club Machines Permits (Appendix 1 Paragraph (iv) of the policy)

6. It now states:

“The Gambling Commission’s Guidance for local authorities states: “Members’ Clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming *unless the gaming is restricted to bridge and whist but there is no need for a club to have an alcohol licence.*”

#### Provisional Statements (Appendix 2 Paragraph (ix) of the policy)

7. Paragraphs (b) and (c) have been amended or added to:

In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which in the authority's opinion reflect a change in the operator's circumstances.
- (c) Where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and licensing authorities should discuss any concerns they have with the applicant before making a decision.

#### Table of Delegations of Licensing Functions (Appendix 4 of the policy)

8. This Appendix has been added to the policy.

#### Statement of Principles for Unlicensed Family Entertainment Centres, Gaming Machine Permits and Prize Gaming Permits (Appendix 9 of the policy)

9. This Appendix has been added to the policy.

### **Key Implications**

#### Financial

- 10. Fee levels for licences and permits will be set by the Licensing Authority.
- 11. Sevenoaks District Council has a statutory obligation to administrate the Gambling Act 2005. Failure to run and deliver a satisfactory service could result in a Judicial Review being called for in the High Court.
- 12. Through Hearings and Appeals at the Magistrate Court the Council is liable for costs if awarded against Sevenoaks District Council.

#### Legal, Human Rights etc.

- 13. Decisions in relation to a licence are likely to amount to consideration of civil rights and obligations with the result that Article 6 (1) of the Human Rights Act 1998 is engaged.

## Equalities implication and Community Impact

14. The policy applies to all operators across the Sevenoaks District whose activities may fall under the definition of 'relevant entertainment'. The policy will aim to prevent any adverse impact on disadvantaged groups.

### **Conclusions**

15. By adopting the policy, the Council will be up to date and in line with the changes made by the Gambling Commission.

### **Risk Assessment Statement**

16. The Gambling Commission will change their draft guidance and more or other changes will need to be made at a later date.

### **Background Papers:**

[Website: www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

Gambling Act 2005

Draft Gambling Commission Guidance

### **Appendices:**

Appendix A – Feedback from the consultation

Appendix B – Gambling Act 2005 DRAFT Statement of Principles Gambling Policy

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