

LICENSING COMMITTEE – 20 OCTOBER 2009

CABINET - 22 OCTOBER 2009

SERVICES SELECT COMMITTEE - 27 OCTOBER 2009

COUNCIL – 10 NOVEMBER 2009

GAMBLING ACT 2005: STATEMENT OF LICENSING POLICY

Report of the: Community and Planning Services Director

Status: For Decision

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 2007.

Sevenoaks District Council has had a draft Statement of Licensing Policy for the Gambling Act 2005 out to consultation between 19 June – 31 August 2009 (see Appendix A) and feedback was invited.

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

The final draft will be presented to full Council for ratification on 10th November 2009, and, subject to approval, will become policy.

Portfolio Holder Cllr. Mrs. Bracken

Head of Service Head of Environmental & Operational Services – Mr. Richard Wilson

Recommendation: That the Statement of Principles for the Gambling Act Policy set out in Appendix A to the report be approved.

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, 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.

- 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 license any new casinos in their area if they do not want them.

Introduction

- 3 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

- 4 Local authorities will:

- Issue premises licences for:
 - Casinos
 - Betting Offices and Race Tracks
 - Bingo Clubs
 - Adult Gaming Centres
 - Family Entertainment Centres
- Issue permits for:
 - Gaming machine in members' clubs
 - Gaming in members' clubs
 - Unlicensed Family Entertainment Centres (Category D machines only)
 - Prize gaming
- Issue:
 - Temporary Use Notices
 - Provisional Statements
 - 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

Key Implications

Financial

- 6 Fee levels for licences and permits will be set by the Licensing Authority.

Conclusions

- 7 The feedback has been documented and summarised with recommendations for Members to consider including in the final policy.

Risk Assessment Statement

- 8 Sevenoaks District Council has a statutory obligation to publish a statement of the principles that they propose to apply in exercising their functions under the Act. The statement may be challenged by way of judicial review.

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

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