



Briefing Report  
No:

Public Agenda Item: **Yes**

Title: **Decisions taken in relation to Gambling Act 2005 applications under delegated powers**

Wards  
Affected: **All**

To: **Licensing Committee** On: **17<sup>th</sup> October 2019**

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## **1. What we are trying to achieve**

- 1.1 To inform Members of the decisions taken in relation to Gambling Act 2005 applications in Torbay by the Assistant Director Community Services under delegated powers.

## **2. Recommendation(s) for decision**

- 2.1 That Members note the decisions made under delegated powers so that they maintain a general overview of the current gambling situation under the Gambling Act 2005 in Torbay.

## **3. Key points and reasons for recommendations**

- 3.1 Torbay Council's "Gambling Policy Statement" (adopted January 2019) details the scheme of delegation under the Gambling Act 2005. This Policy also requires that the Licensing Committee receive regular reports (Section 9.14) on delegated decisions so that it can maintain a general overview of the current gambling situation in Torbay.

**For more detailed information on this proposal please refer to Appendix A.**

**Steve Cox**  
**Environmental Health Manager (Commercial)**

## Appendix A – Supporting information to Report

### A1. Introduction and history

A1.1 The Gambling Act 2005 came into force on 1<sup>st</sup> September 2007. Torbay Council, as the Licensing Authority are responsible for the Premises Licences issued under the legislation, along with permits for gaming machines in a number of Premises, notably Unlicensed Family Entertainment Centres (UFEC's), Clubs and Pub Premises. The Gambling Commission are responsible for Operator Licences and Personal Licences.

A1.2 From 30<sup>th</sup> April 2007, Torbay Council became responsible for the administration and issuing of Premises Licences, UFEC's and various permits. Below are the applications dealt with between 1<sup>st</sup> April 2019 and 30<sup>th</sup> September 2019.

	<b>Total</b>
Casino Premises Licences – New	0 (1)
Casino Premises Licences – Variation	0
Bingo Premises Licences – New	0 (8)
Bingo Premises Licences – Variation	0
Betting Premises Licences – New	0 (15)
Betting Premises Licences – Variation	0
Adult Gaming Centre Premises Licences – New	0 (17)
Adult Gaming Centre Premises Licences – Variation	0
Family Entertainment Centre Premises Licences – New	0 (2)
Family Entertainment Centre Premises Licences – Variation	0
Unlicensed Family Entertainment Centre Gaming Machine Permit – New	0 (19)
Gaming Machine Notifications for 2 or less Machines	5 (123)
Gaming Machine Applications for 3 or more Machines	4 (25)
Temporary Use Notices	0
Reviews of Licences (Licensing Committee/Sub-Committee)	0
Hearings (Licensing Committee/Sub-Committee)	0
Appeals (to Magistrates Court)	0

The numbers in brackets are the total number of each type of Premises Licences issued.

The six month period between 1<sup>st</sup> April 2019 and 30<sup>th</sup> September 2019 has seen no gambling premises applications of any kind. Whilst we would normally expect one or two variations, this is not significantly unusual given that most premises are long established and rarely change hands.

There have been 5 notifications for two or less gaming machines in pubs and 4 applications for 3 or more. The distinction being that two or less is a straight forward notification, whilst any more than 2 is an application that is considered under relevant criteria.

- A1.3 Given recent changes to the maximum stakes for fixed odds betting terminals, some of the existing Betting Shops (15 in total at present) potentially looking to close as they have suggested that this will affect their income. Following the merger of Ladbrokes and Corals, there has already been one closure and subsequent surrender of premises licence during this period.
- A1.4 Gambling, whilst an important area of work for the Licensing Authority, is not traditionally a function that attracts large quantities of applications. The majority of the work of the Licensing Team with regard to the Gambling function is undertaken through compliance visits, which ensures that operators continue to operate in a responsible manner.

## **A2. Risk assessment of preferred option**

### **A2.1 Outline of significant key risks**

This report is for information, therefore, there are no risks associated with this report.

## **A3. Options**

- A3.1 None. Members cannot change the Officer decisions but need to be appraised of the issues in accordance with Torbay Council's Gambling Policy.

## **A4. Summary of resource implications**

- A4.1 There is no significant additional resource implications from routine Gambling Act work.

## **A5. What impact will there be on equalities, environmental sustainability and crime and disorder?**

- A5.1 There are no equalities or environmental sustainability implications, however two of the Licensing Objectives are "Preventing Gambling being a source of Crime and Disorder" and "Protecting Children and Vulnerable Adults", so the work should have a positive impact on reducing this.

## **A6. Consultation and Customer Focus**

- A6.1 There is public consultation on all New and Variation Premises Licence applications for a 28 day period before any licence is granted.

A6.2 Applications that attract representation during the consultation period, would be considered by a Licensing Sub-Committee, however, applications where no representations are received, must be granted under officer delegation.

**A7. Are there any implications for other Business Units?**

A7.1 There are no significant implications for other Business Units, though the Local Children's Safeguarding Board is a consultee on all applications.

**Annexes**

None

**Documents available in members' rooms**

None

**Background Papers:**

The following documents/files were used to compile this report:

None