

Meeting:	Licensing and General Purpose Committee
Date:	16 June 2005
Subject:	Gambling Act 2005, Information
Responsible Officer:	Chief Environmental Health Officer
Contact Officer:	P Sivashankar, Licensing Service Manager, ext 6813
Portfolio Holder:	Councillor Philip O'Dell
Key Decision:	No
Status:	Part 1

Section 1: Summary

Decision Required

To receive and to note this Report.

Reason for report

To discharge the new statutory duties under the Gambling Act 2005 this Authority will be required to produce a Gambling Policy once the Gaming Commission has issued the relevant guidance.

Benefits

To keep members of L&GP committee informed of forthcoming legislative changes, as the committee established under the Licensing Act 2003 would be the committee hearing all Gambling Licence applications.

Cost of Proposals

The training needs are being assessed at this time. Once this assessment is completed, a full and comprehensive training programme will be put in place. The Government has not announced the fee regime yet but it is not expected that the fees would cover the full administration and enforcement costs. The Medium Term Budget Strategy contains growth for one officer in 2006/7 and the financial implications will be kept under review and reported to Committee on a regular basis.

Risks

If the Authority does not produce a Policy and related procedures to the expected timescale there is a risk that we will not be in a position to process applications and may disadvantage some persons who may then have a valid reason for an appeal against the Council.

Implications if recommendations rejected

N/A

Section 2: Report

2.1 Brief History

The existing Gaming Legislation is complicated, outdated and hard to understand and with the advent of technologies like the internet, mobile phone betting and gambling is not adequately controlled. . The current legislation is also embedded in the past culture where gambling was seen as morally questionable.

The Gambling Bill was introduced on 18th October 2004 following the the Budd Report. It has now passed through both Houses of Parliament and attained Royal Assent on 7th April 2005.

At the centre of the Act are three Licensing Objectives to ensure that;

- Gambling remains crime free
- Gambling is conducted openly and fairly; and
- Children and vulnerable adults are protected.

The Act also establishes a new Regulator, the Gambling Commission and gives new powers to Local Authorities. The Gambling Commission takes over from the Gaming Board and will license bingo, bookmakers, casino operators, pools operators, certain lottery operators and managers, gaming machine manufacturers and suppliers of, and remote gambling operators. The Commission will issue codes of practices and operating and personal licences for these licensable activities.

The Act introduces three new types of Licences;

- Operating Licences – issued by the Gambling Commission
- Personal Licences – issued by the Gambling Commission, and
- Premises Licences – issued by the Local Authorities.

Operating Licences are required for operation of gambling on the premise and provided remotely. It is also required for the manufacture, sale and maintenance of gambling equipment. Applicants can be individuals, company or associate persons.

Personal Licences authorise holders to perform specific functions in relation to gambling, namely, directly provide the facilities for gambling and performing certain functions in a gambling operation but not actually providing the facilities.

Premises Licences are required in addition to operating licences in order to provide facilities for gambling in certain premises. An operating licence must be held before a premises licence can be issued.

It is considered that Local Authorities are best placed to integrate policy on premise licensing with wider community strategies on crime prevention and planning. Further to the Licensing Act 2003, Council's will be able to consider applications for gambling premises alongside alcohol and entertainment licences.

The specific role of Local Authorities are as follows:

- Licensing Gambling premises – Premises Licensing
- Issuing permits for unlicensed Family Entertainment Centers
- Issuing permits for gaming and gaming machines in members' and commercial clubs etc.
- Issuing permits for prize gaming
- The registration of small society lotteries

The Local Authority also has to publish a Three Year Licensing Policy, which stipulates the principles to be applied to Premise Licensing. The Act also gives power to Local Authorities to resolve not to permit any, or more casino premises in an area- taking account of local opinion.

Similar to the Licensing Act 2003, the gambling Act 2005 also creates Responsible Authorities and, The Gambling Commission, Fire, Police, Planning, Environmental Health and Social Services are listed as such. Regulations may add more such authorities.

The implementation will be in 2006 but we do not have any specific dates at this time. However, this Section will start work on the Gambling Policy, once the guidance is issued by the Gambling Commission.

2.2 Options considered

The options available will be considered once the relevant legislation and guidance has been published.

2.3 Consultation

Not applicable at this time.

2.4 Financial Implications

A full assessment will be available once the fee structure is announced by the Government.

2.5 Legal Implications

The legal implications known at present are as set out in the body of this Report

2.6 Equalities Impact

An Equalities Impact Assessment will be undertaken as part of the process of introduction of the legislation.

Section 3: Supporting Information/ Background Documents

Gambling Act 2005, available via DCMS web site. Copies can be obtained from the Licensing Section by contacting the Author/Contact Officer of this Report.