

CCReport of: Environmental Health Business Manager

To: Licensing Act 2003 Committee

Date: 17 March 2006 **Item No:**

Title of Report : Gambling Act 2005 – implementation programme



Summary and Recommendations



Purpose of report: To advise Committee of its additional functions under the Gambling Act 2005, the implementation programme imposed by the Act and consultation on various associated matters.



Key decision: No

Portfolio Holder: Not applicable

Scrutiny Responsibility: Not applicable



Ward(s) affected: All

Report Approved by: Environmental Health Business Manager.
Legal and Democratic Services (Jeremy Franklin).



Policy Framework: None



Recommendation(s): The Committee is asked to note the contents of the report.



Background



The Gambling Act received Royal Assent on the 7 April 2005. The Act replaces most of the existing law relating to gambling in England and Wales and puts in place a new structure of gambling regulation. It creates a new independent regulatory body, the Gambling Commission, and gives each Licensing Authority, as created under Licensing Act 2003, responsibility for licensing gambling premises in its area.

2. There are three licensing objectives under the Gambling Act...
 - 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;
3. In issuing operating licences and personal licences, the Gambling Commission will play a key role under the first two objectives.
4. The Licensing Authority must be prepared to accept applications for premises licences under the Gambling Act from 31 Jan 2007.
5. There will be a transitional period of 7 months from 31 Jan 2007 before the Gambling Act is fully implemented on 1 September 2007.
6. Transitional provisions will provide for 'grandfather rights' for holders of current permissions and, for premises where such permits will no longer be renewable, for 'Amusement with Prizes' permits (which last three years) to continue until their original expiry dates.

Outline of the Gambling Act 2005

7. The Department of Culture, Media, and Sport (DCMS) has published 'Guidance to Local Authorities', which is included as Appendix A.
8. Superficially, the Gambling Act appears similar to the Licensing Act 2003. However, under the Gambling Act: the Licensing Authority has no responsibility for personal licences (which the Gambling Commission will issue) and the variety of potential permissions is much greater (although fewer in number).

Consultation

9. The Gambling Commission issued Draft Guidance to Licensing Authorities in December 2005 for a consultation period that ends on 17 March 2006.
10. Appendix B includes extracts from this draft Guidance: A full copy is available in the Members Room and on the Gambling Commission website – www.gamblingcommission.gov.uk.
11. The Gambling Commission intends to publish the resulting Guidance on 1 May 2006. It will then supplement it as further sections are drafted, and continue to update it as necessary following implementation of the Act.
12. DCMS is undertaking other consultation as listed in Appendix C.

Delegation

13. Certain functions cannot be delegated, and must be undertaken by the whole authority. These are...

- Adoption of the three-year Licensing Policy Statement.
- 'Casino resolutions' on a policy of not granting a premises licence for a casino in the Council's area.

(LACORS advises that so many councils have expressed interest in having one of the 17 new casinos permitted under the Act, that other councils have no immediate need to adopt such resolutions);

14. Fees will not be fixed under the Gambling Act, but will be variable within bands. The Council will have to set those fees, but may delegate this function to the Licensing Committee.

15. All other functions under the Gambling Act will be automatically delegated to the Licensing Committee. It will be possible to delegate many of those functions to Licensing Sub-committees, or to officers. As under the Licensing Act, there will be national recommendations for this.

16. Resolutions on delegations will be the subject of a future report.

Liaison with others

17. On 10 March 2006, officers from the five licensing authorities in Oxfordshire will hold their first liaison meeting on the Gambling Act. Officers will inform Committee verbally of the outcome.

Licensing Policy Statement

18. The Council must draft a Licensing Policy Statement (LPS), put it out for three months consultation, then adopt and publish it at least one month before 31 Jan 2007. The last meeting of Council available for this purpose is likely to be on 20 November 2006.

19. The LPS will last for three years. In common with the LPS under the Licensing Act 2003, it must be reviewed, consulted upon, adopted and published again before the third anniversary.

20. LACORS, the local government advisory body, has already published a first draft of a model LPS, which is likely to be used by many councils as the basis of their own adopted LPS. The final version of the model will follow publication of the Gambling Commission's Guidance (as above).

Financial implications

21. The Government has not yet consulted on likely fee levels.

22. This report, in itself, has no financial implications.

23. Appendix D lists the types of premises in Oxford that will need licensing under the Gambling Act. Estimates of numbers are not yet accurate, but it is clear that there will be far fewer than under the Licensing Act.

24. At present it seems likely that fewer than 20 hearings on premises licence applications will be needed during the transition period from January to September 2007.

Further work

25. Officers are developing a plan to enable the Council to prepare and implement the requirements of the Gambling Act. This will be the subject of further reports.

Recommendations

26. Committee is asked to note the contents of the report.

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Background papers: Public documents only

