

Report of: Environmental Health Business Manager

To: Licensing and Gambling Acts Committee

Date: 2 November 2006

Item No:

Title of Report : Statement of Gambling Licensing Policy



Summary and Recommendations

Purpose of report:

To report on the outcome of consultation on a draft Statement of Gambling Licensing Policy and recommend the adoption of a Statement of Gambling Licensing Policy.

Key decision: No

Portfolio Holder: Not applicable

Deputy Responsibility: Not applicable

Ward(s) affected: All

Report Approved by:

Environmental Health Business Manager (Tony Payne)

Legal and Democratic Services Business Manager (Jeremy Thomas)

Finance and Asset Management Business Manager (Andy Collett)

Policy Framework:

Recommendation(s): The Committee is recommended to ...

a) Note the postponed date for receipt of applications.

b) Note arrangements for the future delegation of licensing functions.

c) Recommend that Council adopt a 'no-casino' resolution for inclusion in the Statement of Gambling Licensing Policy.

d) Approve the Statement of Gambling Licensing Policy for adoption by Council, subject to amendment to reflect any consideration by

Council of a 'no-casino' resolution.

e) Recommend that Executive Board approve the Statement of

Gambling Licensing Policy for adoption by Council, subject to that same amendment.

Implementation programme

1. The Council, as a licensing authority, will receive applications for premises licences during a transition period starting from 30 April 2007. This is three months later than previously expected. Other implementation dates remain unchanged.
2. The Gambling Act 2005 (the "2005 Act") will supersede current betting and gaming legislation on 1 September 2007.
3. Licensing authorities are required to determine and publish, by 3 January 2007, a Statement of Gambling Licensing Policy that will become effective on 31 January 2007.

Delegation of licensing functions

4. Council has delegated the authority to determine fees under the 2005 Act to this Committee. Regulations are expected to set out fee bands in January. The Licensing Authority will then need to decide its fee structure.
5. There are two functions that Council cannot delegate: resolving not to permit casinos (s.166); and finally approving the Statement of Gambling Licensing Policy (s.349).
6. Section 154 of the 2005 Act will delegate most licensing authority functions to this Committee, which will then have power to delegate these to its sub-committees and to officers. However, until s.154 is brought into force by regulations, only Council has that power.
7. Appendix 2 to the Statement of Gambling Licensing Policy (within Appendix 3) states the lowest levels to which a licensing committee's functions can be delegated under the 2005 Act. These are mostly similar to delegations adopted under the Licensing Act 2003. However, adoption of the Statement of Gambling Licensing Policy will not put into effect this system of delegation.
8. Officers will use a future report to seek Committee approval to a system of delegation that takes account both of such constraints and of the need to replace delegations that will lapse on 1 September 2007, for functions such as issuing gaming machine permits and registering small society lotteries.

Casinos

9. Consultation on the draft Statement of Gambling Licensing Policy included a note that Committee was minded to advise Council to pass a no-casino resolution. This attracted no consultation comments.
10. Committee may now wish to advise Council to adopt a 'no-casino' resolution at its meeting on 20 November 2006, shortly before determining its Statement of Gambling Licensing Policy.
11. In order to comply with the Gambling Commission's Guidance, the Statement of Gambling Licensing Policy must describe either the outcome of any 'no-casino'

resolution, or how such a resolution would be made under s.166 of the Gambling Act 2005.

12. Considering a 'no-casino' resolution may have no practical effect in the short- or medium-term, as it must lapse after three years. However, if such a 'no-casino' resolution were made it would become part of the Statement of Gambling Licensing Policy, which must be reviewed at least once every three years, so ensuring regular consideration of the matter.
13. There will be no application for a casino premises licence in Oxford for several years, because the Council was not among the 67 licensing authorities that expressed interest in being chosen as the location for one of the 17 new casinos permitted by the 2005 Act. And applications for any extra casinos permitted in future are likely to be made to those same authorities, rather than to Oxford.

Statement of Gambling Licensing Policy

14. The 2005 Act refers to this document as a "statement of principles". The title 'Statement of Gambling Licensing Policy' is used in order to distinguish it from the Statement of Licensing Policy under the Licensing Act 2003.
15. The Council is responsible for finally determining its Statement of Gambling Licensing Policy.
16. In determining its policy the Council is required to have regard to the licensing objectives of the Gambling Act 2005 (which are stated in the policy) and the Gambling Commission's 'Guidance to Licensing Authorities'. The Council may include any additional information that it considers necessary or helpful.
17. The draft Statement of Gambling Licensing Policy was open to consultation from 7 July to 29 September 2006.
18. Thames Valley Police confirmed that they had no comments to make. Comments from the Oxfordshire Safeguarding Children Board are covered within Appendix 2, and Area Committees noted the consultation report that included the draft Statement, but made no comments.
19. Appendix 1 includes the two written responses received.
20. Appendix 2 sets out officers' comments on the issues raised in the two letters of response and the amendments consequently proposed.
21. Appendix 3, the draft Statement of Gambling Licensing Policy, shows where those recommendations would affect the document and highlights other editing undertaken since Committee approved the draft for consultation.

Financial implications

22. Officers expect no significant net financial implications to arise from work under the Gambling Act 2005, as fees are intended to meet costs.

23. Existing budgets have been used to cover the cost of preparing to implement the 2005 Act. The numbers of Gaming Permits, and Gaming Machine Permits and small society lottery are likely to be similar to those already charged, with little change in numbers processed.
24. As fewer than 30 premises will require premises licences under the 2005 Act, this will affect only a small proportion of the licensing authority's fee income, most of which derives from the Licensing Act 2003.

Recommendations

25. Committee is recommended to:
- a) Note the postponed date for receipt of applications.
 - b) Note arrangements for the future delegation of licensing functions.
 - c) Recommend that Council adopt a 'no-casino' resolution for inclusion in the Statement of Gambling Licensing Policy.
 - d) Approve the Statement of Gambling Licensing Policy for adoption by Council, subject to amendment to reflect any consideration by Council of a 'no-casino' resolution.
 - e) Recommend that Executive Board approve the Statement of Gambling Licensing Policy for adoption by Council, subject to that same amendment.

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Background papers: None

