

**CC Title of Report : GAMBLING ACT 2005: DELEGATION OF FUNCTION**

**Report of : Environmental Health Business Manager**

**To : Licensing and Gambling Acts Committee**

**Date : 10<sup>th</sup> May 2007**

**Item No :**

**Purpose of report :** To seek the Committee's agreement to a scheme of delegation of its functions under the Gambling Act 2005.

**Recommendations :** The Committee is RECOMMENDED to agree a scheme of delegation of Council functions under the Gambling Act 2005 as set out in the Appendix to this report, namely that apart from the following matters, all functions under the Act will be dealt with by the Environmental Health Business Manager:-

- (a) Approval of Gambling Licensing Policy – Council
- (b) No casino policy – Council
- (c) Setting of fees – Licensing and Gambling Acts Committee
- (d) Objections to applications for or changes or transfers of premises licences – Casework Sub-Committee
- (e) Objections to provisional statement applications – Casework Sub-Committee
- (f) Premises licence reviews – Casework Sub-Committee
- (g) Objections to club gaming/club machine permit applications – Casework Sub-Committee
- (h) Cancellation of club gaming/club machine permits – Casework Sub-Committee
- (i) Counter notice to a temporary use notice – Casework Sub-Committee
- (j) Objections to prize gaming permit applications – Casework Sub-Committee
- (k) Any other functions that may not be delegated to officers or that require a hearing –Casework Sub-Committee

**Key decision :** No

**Portfolio Holder :** Not applicable

**Scrutiny Responsibility :** Not applicable

**Ward(s) affected :** All

**Report Approved by :** Legal Daniel Smith  
Finance Andy Collett



version number: 1.0



**Policy Framework :****Statement of Gambling Licensing Policy**

1. This report deals with the delegation of functions under the Gambling Act 2005. The Act comes fully into operation on 1<sup>st</sup> September 2007. On 21<sup>st</sup> May 2007 transitional arrangements under the Act come into force. From that date, operators may apply for premises licences under the Act. We have about 30 premises for which premises licence applications will be received.



2. The Act sets out quite a complex delegation arrangements with indications of the lowest level to which functions can be delegated. The levels are the licensing authority itself, the statutory licensing committee, sub-committees of the licensing committee and officers.

3. Our new Constitution simplifies our delegation arrangements. It specifies, for both Executive and Council responsibilities, what the Council itself is responsible for, what committees are responsible for and what sub-committees if appointed by committees will be responsible for. All Executive and Council responsibilities not specified as the responsibility of a member body are delegated to officers.

4. Functions of the Gambling Act are virtually all Council functions. There are some exceptions. The new Constitution says that the Monitoring Officer can change the section of the Constitution that says who shall carry out Executive responsibilities to reflect the wishes of the Board. The few Executive responsibilities under the Gambling Act will be dealt with in this way.

5. Council functions under the Gambling Act are set out in the Appendix to this report. Our recommendations for delegation are shown there. If the Committee agrees the scheme of delegation the new Constitution will be adjusted accordingly.

**Name and contact details of author:-**

William Reed  
Democratic Services Manager  
Town Hall Oxford OX1 4YS  
Tel: 01865 252230 e-mail: [wreed@oxford.gov.uk](mailto:wreed@oxford.gov.uk)

**Background papers : None**