

THE GAMBLING ACT 2005 – ADOPTION OF A THREE YEAR LICENSING POLICY

EXECUTIVE MEMBER: Councillor A Holliday, Portfolio Holder for Environmental and Cultural Services.

LEAD OFFICER: C A Boyce, Legal Services Manager.

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Summary: This report seeks approval to the adoption of a Licensing Policy, made under the Gambling Act 2005, and containing the required statement of principles under Section 349 of that Act, and to the delegation of functions under that Act.

Recommendation:	That (a) the draft Licensing Policy as annexed and made under Section 349 of the Gambling Act 2005 (and being a statement of principles that the Council as licensing authority proposes to apply in exercising their functions under the said Act) be approved; (b) that the delegation of functions to Council, the Executive, the Licensing Committee, Licensing Sub-Committees and the Head of Legal and Democratic Services as set out in Appendix 2 to the Policy referred to in (a) be approved; and (c) that the Policy referred to in (a) be published in accordance with statutory requirements.
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Impact of Delivering Corporate Objectives: Supports the crime and disorder prevention objectives.

Financial and Human Resource Implications: Of this report, none. (The delivery of the new function will be met from within the existing Legal Services recharge. A budget bid is pending in respect of extended software.)

Impact on other statutory objectives (e.g. Crime and Disorder, LA21): The Gambling Act 2005 is directly linked to crime and disorder and the Council, in carrying out its functions under the Act, must do so with a view to preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime.

Project and Risk Management: Not applicable.

Key Decision Status:

- **Financial:** None.
- **Ward:** None.

Other Ward Implications: None.

1. INTRODUCTION

- 1.1 The Gambling Act 2005 ("the Act") received the Royal Assent on 7th April, 2005. It repeals the Betting, Gaming and Lotteries Act 1963, the Gaming Act 1968 and the Lotteries and Amusements Act 1976 and the target date for full implementation of the Act is 1st September, 2007 with the Council starting to receive applications for licences and permits from April 2007.
- 1.2 The Act has three clear licensing objectives:
 - 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.
- 1.3 Responsibility for the administration of the Act is shared between district councils who are the licensing authorities and the Gambling Commission which takes over from the old Gaming Board which together will regulate all commercial gambling in Great Britain except for spread betting (regulated by the Financial Services Authority) and the National Lottery (regulated by the National Lottery Commission). The Gambling Commission will be responsible for the issue of operators and personal licences and the licensing authority will be responsible for licensing gambling premises and the issue of permits to authorise other gambling facilities in their licensing area.

2. STATEMENT OF LICENSING POLICY

- 2.1 By section 349 of the Act, the Council must, in respect of each three year period, prepare and publish a licensing policy which is a statement of principles that it proposes to apply in exercising its functions under the Act ("the Policy"). Before determining the Policy various people must be consulted. The Guidance issued by the Gambling Commission and separate Regulations specify what the Policy should contain. A copy of the Council's draft Policy is attached as an appendix to this report. The Policy includes, as its Appendix 2, a scheme of delegation for dealing with licensing matters.
- 2.2 The principles within the Policy were prepared by the Cumbria Licensing Forum and then issued by all six district councils in Cumbria as it was considered that a unified approach would allow some consistency to be achieved within the County. The Policy has been the subject of extensive consultation. The Policy was approved by the Council's Licensing Committee on the 6th October and by the Executive on the 21st November. The Executive recommends approval of the Policy as annexed.
- 2.3 The Policy must, by law, be adopted by the Council by the 2nd January 2007 and then published. Publication takes place by public notice, placing on the Council's web site and placing it on deposit for public inspection.

3. RECOMMENDATION

- 3.1 That the draft Policy as annexed and the delegations set out therein be approved.

List of Appendices

Appendix – Proposed Licensing Policy.

List of Background Documents:

Gambling Commission Guidance; and
Responses to consultation.

