

TAUNTON DEANE BOROUGH COUNCIL

Report of the Chief Solicitor to the Licensing Committee Meeting on the 16 January 2006

The Gambling Act 2005

1. Purpose

- 1.1 This report is to inform the Committee of the passing of the above Act and its implications for the Council.

2. Background

- 2.1 Since at least 1976 Local Authorities have had responsibility for registering society or Local Authority lotteries and since 1968 they have been responsible for issuing permits for amusement machines with prizes.
- 2.2 Under the Licensing Act 2003 Local Authorities are now responsible for issuing permits for amusement with prizes machines in licensed premises.
- 2.3 Shortly after expressing its intention to revise the Alcohol Licensing Legislation, the Government expressed its intention to revise the Gambling Legislation along similar lines and this has resulted in the Gambling Act 2005.

3. Present Position

- 3.1 The Gambling Act 2005 was passed on the 7 April last and comprises 362 sections and 18 schedules, some of which are divided up into various parts. The Act is to come into force in accordance with provisions made by the Secretary of State. Thus far one Commencement Order had been made which provided the Secretary of State with power to make Regulations, Orders and rules under the Act. This came into force on the 27 August last.
- 3.2 The Act establishes the Gambling Commission which will largely take over the functions of the Gaming Board established under the Gaming Act 1968 but it also establishes that a District Council is to be a Licensing Authority under the provisions of Section 2 of the Act.
- 3.3 The Act introduces a regime of operating licences, premises licences and personal licences similar to that obtaining under the Licensing Act 2003. There will also be an ability to provide premises for gambling under a Temporary Use Notice system, very similar to the Temporary Event Notices arrangement, again under the Licensing Act 2003.
- 3.4 Local Authorities will be responsible for issuing premises licences, family entertainment centre licences and for issuing club gaming permits. In addition we will be responsible for dealing with Temporary Use Notices.

4. Other Issues

- 4.1 The Act establishes the gambling licensing objectives as:-
- (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;

- (b) ensuring that gambling is conducted in a fair and open way and
 - (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 4.2 By virtue of Section 154 of the Act the functions of a Licensing Authority are delegated to the Licensing Committee of the authority, established under Section 6 of the Licensing Act 2003. There are some exceptions to this provision but there is also the power to sub-delegate certain functions to officers.
- 4.3 Section 349 of the Act requires the Licensing Authority to prepare a Licensing Policy and to renew it every three years. The Policy is to be kept under review. In preparing a Policy Statement or a revision there is to be consultation with the Chief Officer of Police, persons who represent the interests of those carrying on gambling businesses and persons who represent the interests of those likely to be affected by the exercise of the Council's functions under the Act. The Policy cannot be formulated by the Licensing Committee.
- 4.4 As stated above it remains for the various sections of the Act to be implemented and as and when the picture becomes clearer, further reports will come before this Committee and the Council's Executive in connection with the required Policy Statement.
5. Conclusions and Recommendation
- 5.1 This new Act will place further responsibilities and duties on the Council but it is understood that its implementation is not likely to be brought about until 2007 albeit that the Policy Statement referred to above might need to be prepared this year.
- 5.2 Your officers will be undergoing training on the Act in the course of the year and as and when relevant sections are brought into force arrangements will be made to afford training to the members of this committee and your colleagues should they require it.
- 5.3 At this stage you are RECOMMENDED to note the report.

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