



DERBY CITY COUNCIL

GENERAL LICENSING COMMITTEE
19 APRIL 2006

Report of the Director of Environmental Services

GAMBLING ACT UPDATE

RECOMMENDATION

1. To note the report outlining central Government proposals and the implications for the Council.

SUPPORTING INFORMATION

- 2.1 The Gambling Bill received royal ascent on 7 April 2005. The new Gambling Act 2005 is set to modernise the existing gambling regime.
- 2.2 Gambling under the new Act covers activities like gaming, games of chance, equal chance gaming, casinos, betting and lotteries. To take account of new technology the new law also covers remote gambling, including over the internet, telephone, television and radio.
- 2.3 The legislation is centred around the promotion of 3 principal aims, in the form of licensing objectives:
 - preventing gambling being a source of crime or disorder
 - ensuring gambling is conducted in a fair and open way
 - protecting children and the vulnerable from being harmed or exploited by gambling
- 2.4 The Council's responsibilities will include issuing premises licences and issuing permits. The newly created Gambling Commission will be responsible for issuing operating licences and personal licences. The Council will also be required to publish its own gambling licensing policy which outlines how it will deal with premises licence applications.
- 2.5 To assist local authorities, stakeholders and relevant agencies, the Gambling Commission is to issue guidance. This is expected to be published in May 2006.
- 2.6 The Council is expected to publish its gambling licensing policy in December 2006 following a full consultation period with relevant agencies, stakeholders and members of the public. The Council will then be expected to review its policy every 3 years. Local authorities must be ready to accept premises licence applications from February 2007 with the law being fully implemented on 1 September 2007.
- 2.7 Licence fees are to be set centrally and are likely to consist of a range of bands, with a set maximum on each band. The Council will be permitted to charge a fee from

within a given band up to the set maximum. Fees charged will allow cost recovery for the gambling licensing procedure, monitoring and enforcement only and does not include any amount for Councils' start up costs and transitional costs.

- 2.8 Determination of applications for licences will include holding a hearing if relevant representations have been received from responsible authorities or interested parties. Decisions must be made in relation to the guidance issued by the Gambling Commission, any codes of practice issued by the Secretary of State, the Council's gambling licensing policy and the 3 licensing objectives. It is envisaged gambling licensing hearings will operate on the same basis as those utilised under the Licensing Act 2003.
- 2.9 Further information on the Gambling Act 2005 and the changes to gaming and gambling can be found at www.culture.gov.uk

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Background papers:	None		
List of appendices:	Appendix 1 – Implications		

IMPLICATIONS

Financial

- 1.1 There are likely to be significant budgetary implications for the Council, particularly in the build up to and during the transitional period when additional staffing resources will be required.
- 1.2 The policy drafting and consultation exercise prior to introducing the Council's Gambling Licensing Policy will be similar to that undertaken for the Council's Licensing Policy (under the Licensing Act 2003), which is also due for review and consultation at around the same time. Both tasks would fall to the Senior Environmental Health Officer within the Licensing Team (as before) but this post has been frozen from 1 April 2006 as part of the budget savings for 2006/7. It may be possible to second a senior officer into the Team to undertake this work but this will have a detrimental impact on other statutory duties undertaken by the Environmental Health & Trading Standards Division.
- 1.3 None of the additional costs incurred will be recoverable from central government or from the licence fees.

Legal

2. The Council must ensure it has in place a gambling licensing policy by the date stipulated by the Secretary of State and it is able to process applications from February 2007 and undertake its legal duties by September 2007.

Personnel

3. As detailed in paragraph 1, there will be staffing implications from the implementation of this scheme.

Equalities impact

4. The Council as the licensing authority, through the Gambling Act 2005, its licensing policy, and guidance issued by the Gambling Commission promotes the principles of openness, fairness and equality.

Corporate themes and priorities for change

5. The new gambling licensing regime contributes to the Council's priorities of **improving the quality of life in Derby's neighbourhoods by reducing crime and social behaviour** and providing **greater opportunities for people to participate in decisions about the area they live in.**