

**Brierley Hill Area Committee – 28<sup>th</sup> September 2006**

**Report of the Director of Law and Property**

**Area Committee Consultation in Relation to The Gambling Act 2005 and Draft Policy**

**Purpose of Report**

1. To consider the draft Statement of Licensing Policy produced in accordance with the Gambling Act 2005.

**Background**

2. The Gambling Act 2005 creates a new system of licensing and regulation for commercial gambling. It vests in the Council new and extended responsibilities for licensing premises for gambling, in some instances, such as gaming machine arcades, building upon existing responsibilities. In other major areas, including betting, casino gaming and bingo the legislation transfers to the Council responsibilities, which previously lay with the Magistrates.
3. The Act provides for three categories of Licence:-
  - Operating Licence
  - Personal Licence
  - Premises Licence

The Council will be responsible for issuing Premises Licences and the Gambling Commission will be responsible for issuing Operating and Personal Licences.

4. There are three licensing objectives which are central to the regulatory regime created by the Act:-
  - Preventing gambling from being a source of crime and disorder, being associated with crime and disorder, or being used to support crime.
  - Ensuring that gambling is conducted in a fair and open way.
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

5. The main functions for the Council, are to:-
  - Licence premises for gambling activities,
  - Licence premises for gambling and gaming machines in clubs,
  - Grant permits for gambling and gaming machines in clubs,
  - Regulate gaming and gaming machines in alcohol-licensed premises,
  - Grant permits to family entertainments centres for the use of certain low stake gaming machines,
  - Grant permits for prize gaming,
  - Consider notices for the temporary use of premises for gaming,
  - Consider occasional use notices for betting at tracks,
  - Register small societies lotteries,
6. The new Act comes fully into force in September 2007. In preparation, the Council is required to develop, consult on and publish a statement of licensing policy. The statement must set out the principles, which the Council proposes to apply in exercising its licensing functions under the Act.
7. The statement will be considered by full Council in November/December 2006 and will be published on the 3<sup>rd</sup> January 2007. The Council will then receive and process applications for licences referred to in paragraph 5 from the 31<sup>st</sup> January 2007 onwards.
8. The Department of Culture Media and Sport are expected to issue the Transitional Regulations during 2006, which will be reported verbally to the meeting.
9. The draft Statement of Principle is attached to this report and is also available on the Council's licensing web-site at <http://www.dudley.gov.uk/business/licences-and-street-trading/gambling-act-2005-consultation>. In accordance with the required consultation process the views of the Committee and the public are welcomed.

## **Finance**

10. The financial implications of producing copies of the draft statements and the costs incurred during the consultation process will be met out of the Council's Licensing Budget.

The fees to be charged for the various Licences have yet to be confirmed by the government.

## **Law**

11. The law relating to gambling is covered by the Gambling Act 2005 and section 349 of the Gambling Act deals with the production, consultation and publishing of the statement of licensing principles.

## **Equality Impact**

12. This report takes into account the Council's policy on equality and diversity.
13. A Statement of Licensing Principles will impact equally on all racial groups.
14. A Statement of Licensing Principles will impact on children and young persons through their permitted attendance at certain categories of licensed premises.
15. There will be consultation and involvement of young people in developing this statement as part of the consultation process through the Area Committee and the Directorate of Children's Services.

## **Recommendation**

16. That the Area Committee considers and comments upon the draft Statement of Principles attached to this report as appendix 1.

*John Poyce*

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DIRECTOR OF LAW AND PROPERTY

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## **List of Background Papers**