

Licensing and Safety Committee – 25th September 2007

Report of the Director of Law and Property

Gambling Act 2005 Update

Purpose of Report

1. To inform the Committee of the current position following the completion of the implementation of the transitional phase of the Gambling Act 2005.

Background

2. The Gambling Act 2005 created a new system of licensing and regulation for commercial gambling. It vests in the Council new and extended responsibilities for licensing premises for gambling.
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. The main functions for the Council under the Gambling Act 2005 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-licensing premises;
 - Grant permits to family entertainment centres for the use of certain low stake gaming machines;
 - Grant permits for gaming;
 - Consider notices for the temporary use of premises for gaming;
 - Consider occasional use notices for betting tracks;

- Register small societies lotteries.
5. The Gambling Act enables the Council to attach conditions to Premises Licences. These licences fall into three categories:-

Mandatory conditions – conditions that the Council have no power to remove and that form the basic minimum requirements to which Premises Licence holders or holders of a particular type of licence should adhere to.

Default conditions – conditions that are automatically attached but unlike mandatory conditions can be amended or removed by the Licensing Authorities in particular circumstances.

Individual conditions – conditions that may also be attached to a Premises Licence by the issuing Council, i.e., where there are specific risks or problems associated with a particular locality, or specific premises or class of premises.

6. In accordance with the transitional phase of the 2005 Act, the Secretary of State set the date for the receipt of applications for Premises Licences as 21st May to the 30th July 2007. There are three different methods of obtaining a Premises Licence:-

- Fast Track applications
- Non Fast Track applications
- New applications

7. For existing operators the type of application made has been either Fast Track or Non Fast Track. Fast Track applications seek a licence establishing its existing use and accept fully both mandatory and default conditions. A Non Fast Track application seeks a licence based on existing use but with a change in one or more of the default conditions. Both of these applications needed to have been received by the Council by close of business on the 30th July 2007. New applications can also be made from the 21st May 2007.

8. During this transitional period the Licensing Section has received 52 Fast Track applications and one new application. No new Fast Track applications have been received. The 52 applications are divided up as follows:-

- 39 Betting Premises Licences (Betting Offices)
- 2 Bingo Premises Licences
- 10 Adult Gaming Premises Licence
- 1 Converted Casino Premises Licence

All the above applications have been determined and the licences issued.

9. The new application referred to is for a Betting Premises Licence in respect of a Betting Office. The Licensing Officer has received representations from an interested party, which necessitates the referral of the matter to a Licensing and Safety Sub-Committee. Currently the Gambling Commission have not yet issued the applicant with an Operators Licence and, in accordance with the

2005 Act, the matter cannot be considered by the Sub-Committee until the Gambling Commission have issued this licence.

Finance

10. The fees set by the Licensing and Safety Committee have covered the costs of implementing the Gambling Act 2005.

Law

11. The Gambling Act 2005, contains all relevant provisions in relation to the new gambling legislation and Part 8 of the Act governs Premises Licences.

Equality Impact

12. This report complies with the Council's policy on equal opportunities.
13. The Gambling Act 2005 will impact on children and young people, through the licensing of Family Entertainments Centres.
14. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

15. That the Committee note the information contained in paragraphs 2 to 9 of this report.

John Poyellis

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List of Background Papers

None