

Report of	Meeting	Date
Chief Executive	Statutory Licensing Committee	19 July 2006

GAMBLING ACT 2005 – APPROVAL OF DRAFT STATEMENT OF PRINCIPLES

PURPOSE OF REPORT

1. To approve the draft Statement of Principles as required by the Gambling Act 2005.

CORPORATE PRIORITIES

2. There are no corporate priorities directly affected by this report

RISK ISSUES

3. The issue raised and recommendations made in this report involve risk considerations in the following categories:

Strategy		Information	
Reputation		Regulatory/Legal	✓
Financial	✓	Operational	✓
People		Other	

4. As with any policy there is a risk that the policy may be subject to a challenge by way of Judicial Review. If any such challenge were made then this could delay the processing of applications and would have cost implications if a challenge were successful.

BACKGROUND

5. A previous report setting out arrangements for the Gambling Act 2005 was approved by Full Council on 16th May 2006.

This report provides further and updated information, following the release of Regulations and Commencement Orders by the Government.

6. The Gambling Act 2005 received royal assent on 7th April 2005. Various sections of the act and subordinate regulations will be implemented by a series of commencement orders between now and the first appointed day 31st January 2007. The act is a complex statute and the following paragraphs provide a simplistic overview of the implications.



7. The Act introduces 3 Gambling Licensing Objectives, which are –
- 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.
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
8. The Gambling Act 2005 provides for three categories of licence: -
- Operating Licence
Individuals and companies who intend to provide facilities for certain types of gambling must obtain an operating licence from the Gambling Commission. In general these licenses cover the principal commercial forms of gambling for example a casino operating licence, a bingo operating licence or a gaming machine operating licence.
 - Personal Licences
One of the mandatory conditions that the Commission must place on operating Licences, except in the case of a small scale operator, is to ensure that for each Operating licence at least one person holds a specified management office and that person must hold a personal licence from the Commission.
 - Premises Licences
Will be issued by local authorities and may authorise the provision of facilities on casino premises, bingo premises, betting premises, adult gaming centres and family entertainment centres. Premises Licences may only be issued to people with a relevant gambling operating licence as detailed above. Premises licences are transferable to someone else holding a valid operating licence.

GAMBLING COMMISSION

9. The act establishes the Gambling Commission who will;
- Issue operating licences to authorise the licensee to provide facilities for gambling.
 - Issue personal licences to certain individuals involved in gambling.
 - Specify general licence conditions.
 - Issue industry Codes of Practice.
 - Investigate illegal gambling and offences under the act.
 - Issue guidance to Local Authorities.
10. Chorley Borough Council becomes a Licensing Authority and an applicant who has obtained an 'operating licence' from the Gambling Commission may then apply to the local Licensing Authority for a 'Premises Licence' to provide gambling facilities within that Council's area. Chorley Borough Council will become responsible for licensing ;
- Casino Premises
 - Commercial Bingo Premises
 - Adult Gaming Centre Premises
 - Family Entertainment Centre Premises
 - Betting Premises
 - Betting Track Premises

- Temporary Use Notices
- Gaming machines in all the above types of premises
- Gaming machines in Members Clubs
- Lotteries other than the national lottery and lotteries registered with the Gambling Commission
- Prize Gaming Permits

TIMETABLE FOR IMPLEMENTATION

11. The implementation timetable is subject to change, but currently is;

- May 2006 Gambling Commission published guidance for Local Authorities, Council will start to draft it's 3 Year Statement.
- June 2006 Gambling Commission to publish licence conditions and codes of practice.
- 24th July to 13th October 2006 The Council to consult on the draft statement of principles.
- Late 2006 The Council to agree and approve it's statement of policy and publish.
- Late 2006 Gambling Commission will start to invite applications for operating and personal licences.
- January 2007 Licensing authorities will accept applications for all licences and permits.
- September 2007 new licences take effect.

STATEMENT OF PRINCIPLES

12. Section 349 of the act requires the Council to prepare and publish a Statement of Licensing Policy under the act, that the Licensing Committee must consider when determining a Premises Licence application.

The Statement of Licensing Policy will be a comprehensive document which will define the principles in exercising its new functions.

In preparing the Statement of Principles the Licensing Authority must have regard to the formal section 25 Guidance produced by the Commission and will need to undertake a 12 week consultation process, before returning to the Statutory Licensing Committee and Full Council for agreement and publishing of the statement.

Not all regulations, operating/personal licence conditions, codes of practice and guidance are published. The final statement for agreement at Statutory Licensing Committee and full Council may include amendments once all documents are published.

The Licensing Authority will receive premises licensing applications from the first appointed day, January 31st 2007. Statements of policy must be available one month before this.

Consultation will take place between July 24th and October 13th 2006, the final draft prepared and approved by Council December 2006.

CONSULTATION

13. Section 349 (3) of the act requires the Licensing Authority to consult the following parties

- Chief Officer of Police;

- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

The Licensing Authority as the government recommends will consult with a wide list of persons who are likely to be affected by the exercise of the authorities functions under the act.

COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES

14 . There are no apparent human resources implications contained in this report.

COMMENTS OF THE DIRECTOR OF FINANCE

15. The financial impact at this stage of proceedings is unclear. Whilst the number of premises to be licensed for wholesale gambling is limited, their requirement to licence in particular gaming machinery will influence the level of resources required. In addition there will be some costs associated with providing the relevant training for officers and members. At this stage the assumption is that the effect will be cost neutral and any costs will be contained within current budgets. However only when we have some experience of the scales of the task will this assumption be tested. If the assumption is proven incorrect then a further report will be presented to members of the cost implications.

RECOMMENDATION (S)

16. To approve the draft statement of principles as required by the Gambling Act 2005

DONNA HALL
CHIEF EXECUTIVE

Background Documents
Gambling Act 2005 Draft Statement of Principles

Background Papers			
Document	Date	File	Place of Inspection
Gambling Act 2005 Draft Statement of Principles	11/07/2006		

Report Author	Ext	Date	Doc ID
Howard Bee	5665	19/07/2006	LEGREP/GAMBLING ACT 2005