

Report of	Meeting	Date
Director of Customer, Democratic and Legal Services	Statutory Licensing Committee	22/11/06

GAMBLING ACT 2005 – APPROVAL OF STATEMENT OF GAMBLING POLICY

PURPOSE OF REPORT

- Members to consider the draft statement of gambling policy and consultation responses, prior to the draft version of the policy being presented before Full Council for approval.

CORPORATE PRIORITIES

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

RISK ISSUES

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

Strategy		Information	
Reputation		Regulatory/Legal	4
Financial	4	Operational	4
People		Other	

- 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

- A previous report setting out arrangements for the Gambling Act 2005 was approved by Full Council on 16 May 2006.
- This report provides further and updated information, following the release of regulations and commencement orders by the Government.
- The Gambling Act 2005 received royal assent on 7 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 30 April 2007. The act is a complex statute and the following paragraphs provide a simplistic overview of the implications.

8. 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.
9. 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

10. 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.

11. 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.

STATEMENT OF GAMBLING POLICY

12. Section 349 of the Act requires the council to prepare and publish a statement of Licensing Policy under the Act.

TIMETABLE FOR IMPLEMENTATION

13. All licensing authorities must publish their approved statement of Gambling Policy on or before the 3 January 2006.
14. Much of the formal guidance and secondary legislation has yet to be published before September 2007.

The current implementation timetable is as follows:

- 19 December 2006 – Full Council to approve Policy Statement.
- 21 December – 2 January 2007 Publish Policy Statement.
- 30 April 2007 – First appointed day. Transition commences and Licensing Authority starts receiving applications for gambling licenses.
- 1 September 2007 – Second appointed day. Full implementation of Gambling Act 2005.

CURRENT POSITION AND CONSULTATION

15. In its formal guidance to licensing authorities, issued under section 25 of the act the Gambling Commission recommends that consultation on draft statements of licensing policy last for a minimum of 12 weeks.
16. The 12-week consultation period for Chorley was 24th July to 13th October 2006.
17. 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.
18. The Licensing Authority as the government recommends did consult with a wide list of persons who are likely to be affected by the exercise of the authorities functions under the act.
19. The full list of consultees is given as an appendix in the policy.
20. This Council has received a total of seven comments to the policy. A table of these comments and the responses are attached to the report.

CASINOS

21. Under section 166 (5) of the Act any resolution not to issue casino licenses must be published in the Statement. In addition, the statement should include details about how the authority has taken or will take a decision to pass a casino resolution.
22. No such proposal is included in the statement.

DELEGATION

23. A further report will be brought before members to agree how functions should be delegated under the act (ie whether decisions are to be taken by a licensing officer, sub committee of full committee etc).

COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES

24. There are no HR implications associated with this report.

COMMENTS OF THE DIRECTOR OF FINANCE

25. This report is specifically concerned with the creation of a draft policy, and at this stage there are no associated financial implications. However once the policy is finalised and the implications of the Act crystallise it will be necessary to work through any financial implications and these will be considered during the budget setting for 2007/08.

RECOMMENDATION(S)

26. In accordance with section 39 of the Act, consider the responses to the consultation and any amendments to the draft prior to final version being placed before Full Council for their approval.

ANDREW DOCHERTY
DIRECTOR OF CUSTOMER, DEMORATIC AND LEGAL SERVICES

Background Papers			
Document	Date	File	Place of Inspection
Gambling Act 2005 - Draft Statement of Gambling Policy	22 November 2006		
Gambling Act 2005 - Draft Statement of Gambling Policy consultation and responses	22 November 2006		

Report Author	Ext	Date	Doc ID
Howard Bee	5665	10 November 2006	LEGREP/93657LK