

Report of	Meeting	Date
Director of Customer, Democratic and Legal Services	Council	15 May 2007

GAMBLING ACT 2005 – IMPLEMENTATION AND DELEGATION

PURPOSE OF REPORT`

1. A scheme of delegation is required under the Gambling Act 2005 to devolve powers from the Statutory Licensing Committee to Sub-Committees and officers.

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. The Council needs to be able to process applications under it's new responsibilities efficiently. A scheme of delegation is essential to ensure that unopposed applications are dealt with expeditiously. Failure to do so could lead to damage to the Council's reputation and also challenges the legislation.

BACKGROUND

5. As Members will be aware under the Gambling Act 2005, the Council, as Licensing Authority will be responsible for issuing various licences, permits and notices relating to the use of premises for gambling activities within the Borough.
6. The Council will need to be ready to start processing applications from 21 May 2007, (when the transitional period commences) and 1 September 2007 (when the transitional period ends and the new licences come into effect).
7. A scheme of delegation is therefore required to devolve powers under the Gambling Act 2005.

DELEGATION SCHEME

8. Section 154 of the Gambling Act 2005 provides that all decisions relating to premises licences are delegated to the Committee established under Section 6 of the Licensing Act 2003. (The Statutory Licensing Committee). However, there are three matters that Full Council have ambit over in terms of the Act. These are:
 - approving the three-year Statement of Principles;
 - passing any resolution not to have a casino; and
 - setting fees
9. Decisions that are delegated to the Statutory Licensing Committee may be further delegated to a sub-committee of the Statutory Licensing Committee, which may arrange for them to be taken by officers of the Authority. However, there are a number of decisions that may not be made by an officer (ie they must be made by either the sub-committee of the Statutory Licensing Committee:
 - determination of an application for a premises licence where representations have been made and not withdrawn;
 - determination of an application for a variation of a premises licence where representations have been made and not withdrawn;
 - determination of a transfer, following representations by the Gambling Commission;
 - determination of an application for a provisional statement where representations have been made and not withdrawn;
 - determination of an application for a review of a premises licence.
10. Decisions regarding temporary use notices are delegated to the Statutory Licensing Committee and may be delegated to a Sub-Committee or an officer. Any decision to give a counter notice cannot be delegated to an officer and so must be made by the full committee or sub-committee.
11. Decisions in relation to permits are delegated to the Statutory Licensing Committee and may be further delegated to a Sub-Committee or an Officer of the Authority. However, the following decision may not be made by an officer.
 - determination of an application for a club gaming permit or club machine permit in respect of which objections have been made and not withdrawn;
 - cancellation of a club gaming permit.
12. A proposed scheme of delegation is attached to this report at Appendix 1. This indicates the lowest level of the authority, which will normally exercise the delegation. However, the Authority reserves the right, where appropriate, for any matter to be dealt with at a higher level whilst having due regard to the statutory requirements.

COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES

13. There are no Human Resources implications associated with this report.

COMMENTS OF THE DIRECTOR OF FINANCE

14. There are no comments from the Director of Finance.

RECOMMENDATION (S)

15. That the Council approves the delegations set out in Appendix 1 of this report.

ANDREW DOCHERTY
DIRECTOR OF CUSTOMER, DEMOCRATIC AND LEGAL SERVICES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Claire Hallwood	5160	2 May 2007	LEGREP/0205LM1