

A meeting of the **LICENSING COMMITTEE** will be held in the **COUNCIL CHAMBER, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **WEDNESDAY, 13TH JUNE 2007** at **TIME NOT SPECIFIED** and you are requested to attend for the transaction of the following business:-

**Contact  
(01480)**

## **APOLOGIES**

**1. MINUTES** (Pages 1 - 2)

To approve as a correct record the Minutes of the meeting of the Committee held on 16<sup>th</sup> May 2007.

**Miss H Ali  
387049**

**2. MEMBERS' INTERESTS**

To receive from Members declarations as to personal and/or prejudicial interests and the nature of those interests in relation to any Agenda Item. Please see Notes 1 and 2 overleaf.

**3. LICENSING SUB COMMITTEE PROCEDURE** (Pages 3 - 10)

To consider a report by the Head of Administration on a suggested procedure for sub committee hearings under the Gambling Act 2005.

**R Reeves  
388003**

**4. GAMBLING ACT 2005 - CONDITIONS** (Pages 11 - 26)

To consider a report by the Head of Administration on the mandatory and default conditions available under the Gambling Act 2005.

**R Reeves  
388003**

**5. GAMBLING ACT 2005 - DELEGATIONS** (Pages 27 - 34)

To consider a report by the Head of Administration recommending a range of delegations under the Gambling Act 2005.

**R Reeves  
388003**

**6. GAMBLING ACT 2005 - FEES** (Pages 35 - 40)

To consider a report by the Head of Administration recommending the adoption of fees under the Gambling Act 2005.

**R Reeves  
388003**

**7. GAMBLING ACT 2005 - AUTHORISED PERSONS** (Pages 41 - 42)

To consider a report by the Head of Administration seeking authorisation for officers to undertake duties under the Gambling Act 2005.

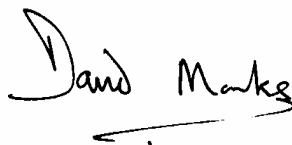
**R Reeves  
388003**

**8. SUB COMMITTEES**

To review the membership of the sub committees.

**R Reeves  
388009**

Dated this 5 day of June 2007



Chief Executive

### Notes

1. *A personal interest exists where a decision on a matter would affect to a greater extent than other people in the District –*
  - (a) *the well-being, financial position, employment or business of the Councillor, a partner, relatives or close friends;*
  - (b) *a body employing those persons, any firm in which they are a partner and any company of which they are directors;*
  - (c) *any corporate body in which those persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or*
  - (d) *the Councillor's registerable financial and other interests.*
2. *A personal interest becomes a prejudicial interest where a member of the public (who has knowledge of the circumstances) would reasonably regard the Member's personal interest as being so significant that it is likely to prejudice the Councillor's judgement of the public interest.*

**Please contact Mr A Roberts, Democratic Services Officer, Tel No 01480 388009 / e-mail: [Anthony.Roberts@huntsdc.gov.uk](mailto:Anthony.Roberts@huntsdc.gov.uk) if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee/Panel.**

**Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.**

**Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.**

Agenda and enclosures can be viewed on the District Council's website – [www.huntingdonshire.gov.uk](http://www.huntingdonshire.gov.uk) (under Councils and Democracy).

If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Democratic Services Manager and we will try to accommodate your needs.

### ***Emergency Procedure***

*In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit and to make their way to the base of the flagpole in the car park at the front of Pathfinder House.*

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# Agenda Item 1

## HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING COMMITTEE held in the Council Chamber, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Wednesday, 16 May 2007.

PRESENT: Councillors K M Baker, J J Dutton,  
R W J Eaton, R S Farrer, J D Fell,  
A Hansard, I R Muir, R Powell,  
T D Sanderson and J S Watt.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors J T Bell and J M Sadler.

### 1. ELECTION OF CHAIRMAN

RESOLVED

that Councillor J M Sadler be elected Chairman of the Committee for the ensuing Municipal Year.

Having noted that Councillor J M Sadler had submitted his apologies for the meeting, it was

RESOLVED

that Councillor I R Muir be elected Chairman for the duration of the meeting.

### 2. MINUTES

The Minutes of the meeting of the Committee held on 27th November 2006 were approved as a correct record and signed by the Chairman.

### 3. MEMBERS' INTERESTS

No declarations were received.

### 4. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED

that Councillor J T Bell be appointed Vice-Chairman of the Committee for the ensuing Municipal Year.

### 5. APPOINTMENT OF SUB-COMMITTEES

The Committee were reminded that under the Licensing Act 2003 one or more Sub-Committees could be appointed to which the discharge of certain responsibilities would be allocated to them.

Having noted the potential number of Sub-Committee hearings that might be required in that some hearings would be called at short notice, the Committee agreed that its Membership should be divided into three groups of Members, from which a total of nine Sub-Committees comprising three Members would be appointed.

RESOLVED

that the Committee establish four Groups from which Members would be appointed.

RESOLVED

- (a)
  1. Councillors Sadler, Baker and Hansard;
  2. Councillors Sadler, Baker and Watt;
  3. Councillors Sadler, Hansard and Watt.
  
- (b)
  1. Councillors Bell, Dutton and Fell;
  2. Councillors Bell, Dutton and Powell;
  3. Councillors Bell, Fell and Powell.
  
- (c)
  1. Councillors Muir, Eaton and Farrer;
  2. Councillors Muir, Eaton and Sanderson;
  3. Councillors Muir, Farrer and Sanderson.

Chairman

LICENSING COMMITTEE

13 JUNE 2007

## LICENSING SUB COMMITTEE PROCEDURE (Report by Head of Administration)

### 1. INTRODUCTION

- 1.1 The Committee will recall that the Licensing Act 2003 required the Committee to determine its own proceedings and those of its sub-committees, subject to the provisions of any regulations made by the Secretary of State. The Gambling Act 2005 also applies the functions of that Act to the Licensing Committee and its sub committees. However whilst the proceedings of the Committee are unchanged, separate procedures are required for sub committee hearings.

### 2. SUB COMMITTEE PROCEDURE

- 2.1 Members will be familiar with the procedure adopted for hearings of sub committees under the Licensing Act 2003. That procedure complied with the requirements of the Hearings Regulations made under the Licensing Act. Such hearings are not subject to the normal committee procedures established under the Local Government Act 1972 and the Council Procedure Rules contained in the Constitution.
- 2.2 The Gambling Act similarly requires hearings to be held by sub committees where representations have been received from responsible authorities or interested parties. However regulations also have been made under that Act in relation to sub committee hearings and the differences are sufficiently distinct to require a separate procedure to be adopted by the Committee for hearings under the separate legislation.
- 2.3 Appendix A contains a suggested procedure for sub committee hearings that complies with the requirements of the Gambling Act regulations.

### 3. CONCLUSION AND RECOMMENDATIONS

- 3.1 The Committee is required to approve the procedure for sub committee hearings under the Gambling Act 2005 and associated regulations and it is therefore

#### RECOMMENDED

- a) that the procedure set out in the attached Appendix be adopted for hearings of Licensing Sub Committees under the Gambling Act 2005; and
- b) that the Head of Administration, after consultation with the Chairman or Vice Chairman of the Committee, be authorised

to make any minor changes to the procedure as may be necessary in the future.

**Background papers**

Gambling Act 2005 regulations

**Contact Officer:** Roy Reeves  
Head of Administration  
Tel: (01480) 388003.



## HUNTINGDONSHIRE DISTRICT COUNCIL

### GAMBLING ACT 2005

#### LICENSING SUB COMMITTEE PROCEDURE

##### **1. Introduction**

- 1.1 The following proceedings apply to the licensing sub committees established by the Licensing Committee of the Huntingdonshire District Council acting as the licensing authority under the Gambling Act 2005.

##### **2. Membership**

- 2.1 Each licensing sub committee shall comprise three Members appointed by the Licensing Committee from amongst its membership. A sub committee shall elect a chairman at its first hearing or meeting following the annual meeting of the Council in each year and the chairman shall preside at hearings of that sub committee until the ensuing annual meeting. In the event of the chairman not being present at a hearing, the sub committee shall elect a chairman from amongst its members for the purpose of that hearing or meeting.

- 2.2 The quorum for hearings and meetings of a sub committee shall be two members but a sub committee shall make every endeavour to ensure that each hearing or meeting is conducted when all three members of the sub committee are present.

- 2.3 Members shall endeavour to be present throughout an individual hearing by a sub committee. If a member of a sub committee is required to leave a hearing temporarily, the chairman shall adjourn the hearing for the duration of the period whilst that member is unavailable. Any member who is absent from a hearing for any reason whilst that hearing is taking place shall be precluded from commencing or continuing to take part in the matter under debate upon his arrival/return and from voting upon the matter at the conclusion of that item of business.

- 2.4 Where the sub committee undertakes a site visit prior to a hearing, a member shall be precluded from taking part in the hearing if he has not attended that site visit.

- 2.5 A Member will not take part in a hearing or meeting at which a matter is being discussed which relates to a premises licence, provisional statement, temporary use notice or permit where either the premises or land is situated in the Ward which he represents.

##### **3. Notice of Hearings**

- 3.1 Upon the date of a hearing of a sub-committee being arranged, notice shall be given to the parties to the hearing in accordance with the requirements of The Gambling Act 2005 (Proceedings of Licensing Committees and Sub Committees)(Premises Licences and Provisional Statements)(England and Wales) Regulations 2007 (the Regulations). For the purposes of this procedure, a party is defined as an applicant for a licence or permit, a person who has given a temporary use notice, a licensee or permit holder and a

person who has made (and not withdrawn) representations about the application, review notice or permit. A person who has made representations may include a responsible authority and a person who lives sufficiently close to the premises to be likely to be affected by the authorised activities or who has business interests that might be affected by the authorised activities or anyone who represents such a person.

- 3.2 The notice of the hearing shall specify the date and time when and the place at which the hearing is to take place. Such notice shall be sent so that, in the ordinary course of events, it is received no later than 10 days before the first day on which the hearing is to be held.
- 3.3 The notice of the hearing shall be accompanied by a copy of this procedure which sets out
- the right of attendance at a hearing by a party and the right to submit representations etc.
  - the consequences if a party does not attend or is not represented at a hearing
  - the procedure to be followed at the hearing
  - the time limits relevant to the hearing.
- 3.4 The notice of the hearing will also be accompanied by copies of the documents required by the Regulations and any particular points upon which the sub committee considers that it will want clarification from a party at the hearing.
- 3.5 Where a hearing is to be held on more than one day, the hearing will be arranged so that it takes place on consecutive working days.

#### **4. Action Following Receipt of Notice of Hearing**

- 4.1 Upon receipt of a notice of a hearing, a party is required to give notice to the licensing authority within 5 working days before the first day on which the hearing is to be held whether
- he intends to attend or be represented or assisted at the hearing,
  - he wishes to call a witness to give evidence at the hearing, accompanied by the name of the witness and a brief description of the matters in relation to which the witness will give evidence, and
  - he considers the hearing to be necessary.
- 4.2 Notice may be given to the licensing authority by electronic means to the address [democratic.services@huntsdc.gov.uk](mailto:democratic.services@huntsdc.gov.uk) or in writing to the Democratic Services Section at Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN.
- 4.3 A sub committee may dispense with the holding of a hearing if all of the parties have given notice that they consider a hearing to be unnecessary. Where the parties have agreed that a hearing is unnecessary in such

circumstances, the licensing authority shall give notice to the parties that the hearing has been dispensed with.

- 4.4 Where a hearing has been dispensed with, the matter which was to have been the subject of the hearing shall be determined at a meeting of the sub committee.
- 4.5 A sub committee may postpone a hearing to an alternative date and if it does so, notice of the date, time and place of the hearing shall be given to the parties as soon as practicable.

## **5 Non- Attendance at the Hearing**

- 5.1 If a party informs the licensing authority that he does not wish to attend or be represented at the hearing, fails to so inform the sub committee, fails to attend or be represented at the hearing, or leaves the hearing in circumstances enabling the sub committee to conclude that it is not his intention to return, the sub committee may
  - proceed with the hearing in accordance with the notice given or
  - adjourn the hearing to a specified date if it considers it to be in the public interest to do so.
- 5.2 Where a hearing proceeds in the absence of a party, the application or representations made by that party shall be considered at the hearing by the sub committee.

## **6. Withdrawal of Representations**

- 6.1 A party may give notice to the licensing authority no later than 24 hours before the commencement of the hearing that he wishes to withdraw his representations or he may do so orally at the hearing.

## **7. Extension of Time**

- 7.1 The sub committee may extend any of the time limits specified in this procedure where it considers it necessary to do so in the public interest and shall give notice of the extension of time and the reason for it to the parties to the hearing.
- 7.2 The sub committee may adjourn the hearing or arrange for it to be held on specified additional days, where it considers this to be necessary to consider any representations made by a party. The parties to the hearing will be notified of the adjournment or rearrangement.

## **8. The Hearing**

- 8.1 The sub committee may exclude the public from all or part of a hearing where it considers that any unfairness to a party is likely to result from a hearing in public or there is a need to protect as far as possible the commercial or other legitimate interests of a party. The sub committee will normally resolve to

exclude the public from that part of the hearing during which the sub committee determines the matter which is the subject of the hearing.

- 8.2 Subject to the above, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified
- 8.3 At the commencement of the hearing, the chairman shall introduce the members of the sub committee and any officers in attendance to support the sub committee and shall ask the parties and any persons accompanying them to state their names and addresses or who they represent. The chairman shall explain to the parties present that the hearing is subject to this procedure, copies of which will have been distributed to the parties with the notice of the hearing, and shall enquire of the persons present whether there are any questions of clarity or explanation about its contents.

**Procedure in all cases other than an application for a review of a premises licence or the removal of gaming exemptions from premises or the cancellation of permits.**

- 8.4 The chairman will invite the applicant or his representative to address the sub committee on his application, to respond to any point(s) upon which notice has been given that clarification is required by the licensing authority and to call any witness of whom notice has been given. The applicant will be allowed a maximum period of time of twenty minutes in which to address the sub committee and call witness(es) on his behalf.
- 8.5 The applicant or his representative or any witness called on his behalf may then be asked any questions upon their presentation by any member of the sub committee or by any of the other parties present at the hearing or their representatives.
- 8.6 The chairman will then invite each of the parties at the hearing or their representative sequentially to address the sub committee and call any witness(es) of whom notice has been given to appear. Each party will be allowed a maximum period of time of twenty minutes in which to address the sub committee and call witness(es) on his behalf. The sequence in which each of the parties will be invited to address the sub committee will be at the discretion of the chairman but will normally be in the order of the chief officer of police, the fire and rescue authority, the local planning authority, the local environmental health authority, the authority responsible for the protection of children from harm, Her Majesty's Commissioner of Customs and Excise and any other party that has submitted representations in respect of the application, notice, permit or other matter appearing before the sub committee.
- 8.7 The party or his representative or any of his witnesses may be asked any questions upon their presentation by any member of the sub committee or by the applicant or his representative or any of the other parties present at the hearing or their representatives.
- 8.8 Where relevant written representations have been received and the party submitting those representations has given notice of his intention not to attend the hearing, fails to give notice, fails to attend or be represented or leaves the hearing, the parties present will be invited by the chairman to indicate whether they wish to comment on the representations submitted.

The sub committee may take into account documentary or other evidence submitted by a party either in support of their application, notice or representations either before the hearing or, with the consent of all of the other parties present, at the hearing.

- 8.9 Where appropriate, the chairman shall remind the parties that their representations should be relevant to the licensing objectives of preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime; ensuring that gambling is conducted in a fair and open way; and protecting children and other vulnerable persons from being harmed or exploited by gambling. The sub committee shall disregard any information given by a party or witness which is not relevant to their application, notice or representations or to the licensing objectives. If, in his opinion, the chairman feels that the representations being made are not relevant, he may, after first reminding the party of the need for relevance, advise the party that he will no longer be heard. Where in the opinion of the chairman, a party is being repetitious, vexatious or slanderous in his remarks, the chairman may first warn the party and may then advise the party that he will no longer be heard. The ruling of the chairman shall be final in such circumstances.
- 8.10 The Chairman may require any person who in his opinion is behaving in a disruptive manner at a hearing to leave the hearing and may refuse to permit that person to return or to return only upon complying with such conditions as the chairman may specify. However any such person may submit any evidence in writing that they proposed to give orally, provided that they do so before the end of the hearing.
- 8.11 After each party has addressed the sub committee and after comments have been invited on written representations, the applicant or his representative will be invited by the chairman to sum up his application for a time not exceeding two minutes but without introducing any new evidence to the proceedings.

**Procedure in cases relating to an application for a review of a premises licence or the removal of gaming exemptions from premises or the cancellation of permits.**

- 8.12 In the case of such hearings, the above procedure shall be followed with the exception that the applicant for a review of a premises licence or the licensing authority in the case of the removal of gaming exemptions or the cancellation of a permit will be invited to address the sub committee first and to call any witness of whom notice has been given.
- 8.13 After any questions have been dealt with, the holder of the licence or permit will be invited to address the sub committee and to call any witness of whom he has given notice.
- 8.14 There shall be no right of reply for the applicant for a review of the licence or the licensing authority.

**9. Determination of Applications**

- 9.1 At the conclusion of the hearing, the sub committee will determine the application, removal of the exemption or cancellation of the permit within 5 working days starting with the day after the last day of the hearing but, in any

event, will endeavour to do so as soon as practicable after the hearing has concluded.

- 9.2 Where a hearing has been dispensed with in accordance with paragraph 4.3 above, the application, removal of the exemption or cancellation of the permit will be determined by the sub committee within 10 working days of notice having been given to the parties that the hearing has been dispensed with.
- 9.3 The licensing authority will notify the applicant and parties of its decision forthwith upon the making of the decision.
- 9.4 A record shall be taken of the hearing by the licensing authority which shall be retained for six years after the date of the determination of the hearing or the disposal of an appeal or judicial review against the determination.

## **10. Meetings of the Sub Committee**

- 10.1 Where a hearing is conducted by the Licensing Committee in place of a sub committee, the above procedure shall apply.
- 10.2 Any meetings of the sub committee, other than hearings described above, shall be subject to the procedure adopted by the Licensing Committee for the conduct of its own business except where otherwise stated above.

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## **GAMBLING ACT 2005 - CONDITIONS (Report by Head of Administration)**

### **1. INTRODUCTION**

- 1.1 This report draws the attention of Members to the differences between the arrangements for conditions to be attached to premises licences under the Gambling Act 2005 and the Licensing Act 2003.

### **2. LICENSING ACT 2003**

- 2.1 Members will recall that the Licensing Act precluded any form of standard conditions that could be attached to an individual premises licence. The statutory guidance issued by the Secretary of State under section 182 of the Act contained a pool of licensing conditions that were relevant to the achievement of the four licensing objectives contained in the Act. These were included in the Statement of Licensing Policy that the Council adopted as the licensing authority.
- 2.2 In practice, the authority was able only to include conditions in a licence that complied with an operating schedule submitted by an applicant. Some operating schedules that were submitted were extremely brief but the authority had no power to impose additional conditions unless representations were received from a responsible authority or an interested party which gave rise to a hearing, in which case a licensing sub committee could impose conditions where it was considered necessary to ensure achievement of the licensing objectives.

### **3. GAMBLING ACT 2005**

- 3.1 A completely different approach has been taken with the Gambling Act. The Act enables the Secretary of State to specify mandatory conditions that must be attached to a premises licence granted by an authority and to specify default conditions that may be excluded by an authority. The mandatory and default conditions specified by the Secretary of State have now been made by regulation and these are attached as an appendix to this report.
- 3.2 During the transitional period for the implementation of the Act, an existing licence holder can apply for a fast track conversion of his licence at a reduced fee, in which case all of the mandatory and default conditions relevant to that form of gambling premises will be attached to the licence. An existing licence holder can also apply for a non-fast track conversion where all of the mandatory conditions will apply but he wishes to apply for the default condition to be disapplied by the authority.

- 3.3 In addition to excluding a default condition, the Act also enables the authority to attach other conditions to a licence. These would be likely to include a condition relating to the times when gambling could take place (in place of the default condition). A condition cannot be imposed however which would prevent compliance with a condition of an operating licence granted by the Gambling Commission. A condition can be imposed either by an officer acting under delegated powers or a licensing sub committee
- 3.1 In its Statement of Licensing Principles, the authority has stated that any conditions attached to a licence will be proportionate and will be –
- relevant to the need to make the proposed building suitable as a gambling facility;
  - directly related to the premises and the type of licence applied for;
  - fairly and reasonably related to the scale and type of premises; and
  - reasonable in all other respects.

#### **4. CONCLUSION**

- 4.1 Members are invited to note the significant difference in approach to conditions for premises licences when sitting in licensing sub committees to consider applications where representations have been received.

#### **Background Papers:**

- Statutory Guidance issued by Secretary of State under the Licensing Act 2003
- Statement of Licensing Policy
- The Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007
- Statement of Principles under the Gambling Act

**Contact Officer:** Roy Reeves  
Head of Administration  
Tel: (01480) 388003.



## SCHEDULE 1

Regulations 4 to 9

### Conditions attaching to casino premises licences

#### PART 1

##### Mandatory conditions attaching to casino premises licences

**1.** —(1) The principal entrance to the premises shall be from a street.

(2) No entrance to the premises shall be from premises that are used wholly or mainly by children, by young persons, or by both.

(3) No customer shall be able to enter the premises directly from any other premises in respect of which a licence issued under Part 8 of the Act, or a permit issued under Schedule 10, 12 or 13 to the Act, has effect.

**2.** A gap of at least 2 metres shall be maintained between any ordinary gaming table and any other equipment, apparatus or structure used by a person to gamble on the premises.

**3.** No more than 40 separate player positions may be made available for use in relation to wholly automated gaming tables at any time.

**4.** —(1) The rules of each type of casino game that is available to be played on the premises shall be displayed in a prominent place within both the table gaming area and other gambling area of the premises to which customers wishing to use facilities for gambling have unrestricted access.

(2) The condition in sub-paragraph (1) may be satisfied by—

(a) displaying a clear and legible sign setting out the rules; or

(b) making available to customers leaflets or other written material containing the rules.

**5.** Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming table, gaming machine or betting machine in order to do so.

#### PART 2

##### Mandatory conditions attaching to regional casino premises licences

**1.** A notice shall be displayed in a prominent place at every entrance to the gambling area of the premises stating that no person under the age of 18 years is permitted to enter that part of the premises.

2. The gambling area of the premises shall not be capable of being seen from any part of the premises to which children, young persons, or both, have access.

3. —(1) The premises shall contain a table gaming area the floor area of which is no less than 1000m<sup>2</sup>.

(2) Subject to sub-paragraph (3), in determining the floor area of the table gaming area, any number of separate areas within the premises may be taken into account.

(3) Any separate area that comprises less than 12.5% of the minimum required table gaming area shall not be taken into account in determining the table gaming area.

(4) No gambling shall be permitted in the table gaming area of the premises other than gambling by way of table gaming.

4. —(1) The premises shall contain a non-gambling area the floor area of which is no less than 1500m<sup>2</sup>.

(2) The non-gambling area may consist of one or more areas within the premises.

(3) Lobby areas and toilet facilities may be taken into account in calculating the non-gambling area; but the non-gambling area shall not consist exclusively of lobby areas and toilet facilities.

(4) Facilities for gambling shall not be provided in the non-gambling area.

(5) At any time during which facilities for gambling are provided on the premises, each separate area comprising the non-gambling area, other than the lobby areas and toilet facilities referred to in sub-paragraph (3), shall contain recreational facilities that are available for use by customers on the premises.

5. A notice shall be displayed in a prominent place in each part of the premises used for providing facilities for betting, setting out the terms on which persons are invited to bet on the premises.

6. —(1) A notice setting out the information in sub-paragraph (2) shall be displayed in a prominent place at the main point on the premises where payment for the charge is to be made for a game card (or set of game cards) in respect of a game of bingo.

(2) The notice in sub-paragraph (1) shall include the following information—

(a) the cost (in money) of each game card (or set of game cards) payable by an individual in respect of a game of bingo;

(b) in respect of each game card (or set of game cards) referred to in paragraph (a), the maximum amount that will be charged by way of a participation fee for entitlement to participate in that game; and

(c) a statement to the effect that all or part of the participation fee may be waived at the discretion of the person charging it.

(3) The notice may be displayed in electronic form.

(4) A reference in this paragraph to a charge in respect of gaming does not include an amount paid for an opportunity to win one or more prizes in gaming to which section 288 of the 2005 Act (meaning of "prize gaming") applies.

(5) The rules of each type of bingo game that is available to be played on the premises shall be made available to customers in each part of the premises used for providing facilities for bingo.

(6) The condition in sub-paragraph (5) may be satisfied by—

(a) displaying a sign setting out the rules,

(b) making available leaflets or other written material containing the rules, or

(c) running an audio-visual guide to the rules prior to any bingo game being commenced.

**7.** No more than 40 separate betting positions may be made available for use in relation to betting machines at any time.

### PART 3

#### Mandatory conditions attaching to large casino premises licences

**1.** A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.

**2.** —(1) The premises shall contain a table gaming area, the floor area of which is no less than 1000m<sup>2</sup>.

(2) Subject to sub-paragraph (3), in determining the floor area of the table gaming area, any number of separate areas within the premises may be taken into account.

(3) Any separate area that comprises less than 12.5% of the minimum required table gaming area shall not be taken into account in determining the table gaming area.

**3.** No gambling shall be permitted in the table gaming area of the premises other than gambling by way of table gaming.

**4.** —(1) The premises shall contain a non-gambling area which comprises no less than 500m<sup>2</sup>.

(2) The non-gambling area may consist of one or more areas within the premises.

(3) Lobby areas and toilet facilities may be taken into account in calculating the non-gambling area; but the non-gambling area shall not consist exclusively of lobby areas and toilet facilities.

(4) Facilities for gambling shall not be provided in the non-gambling area.

(5) At any time during which facilities for gambling are being provided on the premises, each separate area comprising of the non-gambling area, other than the lobby areas and toilet facilities referred to in sub-paragraph (3), shall contain recreational facilities that are available for use by customers on the premises.

5. A notice shall be displayed in a prominent place in each part of the premises used for providing facilities for betting, setting out the terms on which persons are invited to bet on the premises.

6. —(1) A notice setting out the information in sub-paragraph (2) shall be displayed in a prominent place at the main point on the premises where payment for the charge is to be made for a game card (or set of game cards) in respect of a game of bingo.

(2) The notice in sub-paragraph (1) shall include the following information—

(a) the cost (in money) of each game card (or set of game cards) payable by an individual in respect of a game of bingo;

(b) in respect of each game card (or set of game cards) referred to in paragraph (a) the maximum amount that will be charged by way of a participation fee for entitlement to participate in that game; and

(c) a statement to the effect that all or part of the participation fee may be waived at the discretion of the person charging it.

(3) The notice may be displayed in electronic form.

(4) A reference in this paragraph to a charge in respect of gaming does not include an amount paid for an opportunity to win one or more prizes in gaming to which section 288 of the 2005 Act (meaning of "prize gaming") applies.

(5) The rules of each type of bingo game that is available to be played on the premises shall be made available to customers in each part of the premises used for providing facilities for bingo.

(6) The condition in sub-paragraph (5) may be satisfied by—

(a) displaying a sign setting out the rules,

(b) making available leaflets or other written material containing the rules, or

(c) running an audio-visual guide to the rules prior to any bingo game being commenced.

7. No more than 40 separate betting positions may be made available for use in relation to betting machines at any time.

#### PART 4

#### Mandatory conditions attaching to small casino premises licences

**1.** A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.

**2.** —(1) The premises shall contain a table gaming area, the floor area of which is no less than 500m<sup>2</sup>.

(2) Subject to sub-paragraph (3), in determining the floor area of the table gaming area, any number of separate areas within the premises may be taken into account.

(3) Any separate area that comprises less than 12.5% of the minimum required table gaming area shall not be taken into account in determining the table gaming area.

**3.** No gambling shall be permitted in the table gaming area of the premises other than gambling by way of table gaming.

**4.** —(1) The premises shall contain a non-gambling area which comprises no less than 250m<sup>2</sup>.

(2) The non-gambling area may consist of one or more areas within the premises.

(3) Lobby areas and toilet facilities may be taken into account in calculating the non-gambling area; but the non-gambling area shall not consist exclusively of lobby areas and toilet facilities.

(4) Facilities for gambling shall not be provided in the non-gambling area.

(5) At any time during which facilities for gambling are being provided on the premises, each separate area comprising the non-gambling area, other than the lobby areas and toilet facilities referred to in sub-paragraph (3), shall contain recreational facilities that are available for use by customers on the premises.

**5.** A notice shall be displayed in a prominent place in each part of the premises used for providing facilities for betting, setting out the terms on which persons are invited to bet on the premises.

**6.** No more than 40 separate betting positions may be made available for use in relation to betting machines at any time.

## PART 5

### Mandatory conditions attaching to converted casino premises licences

**1.** A notice shall be displayed in a prominent place at every entrance to the premises stating that no person under the age of 18 years is permitted to enter the premises.

**2.** —(1) This paragraph shall apply to premises which have a gambling area the floor area of which is no less than 200m<sup>2</sup>.

(2) In determining the floor area of the gambling area, all areas in which facilities for gambling are provided on the premises shall be taken into account.

(3) The premises shall contain a non-gambling area, the floor area of which is no less than 10% of the floor area of the gambling area.

(4) The non-gambling area may consist of one or more areas within the premises.

(5) Lobby areas and toilet facilities may be taken into account in calculating the non-gambling area; but the non-gambling area shall not consist exclusively of lobby areas and toilet facilities.

(6) Facilities for gambling shall not be provided in the non-gambling area.

(7) At any time during which facilities for gambling are being provided on the premises, each separate area comprising the non-gambling area, other than the lobby areas and toilet facilities referred to in sub-paragraph (5), shall contain recreational facilities that are available for use by customers on the premises.

## PART 6

### Default conditions attaching to casino premises licences

No facilities for gambling shall be provided on the premises between the hours of 6am and noon on any day.

## SCHEDULE 2

### Regulations 10 and 11

### Conditions attaching to bingo premises licences

## PART 1

### Mandatory conditions attaching to bingo premises licences

1. A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.

2. No customer shall be able to enter the premises directly from any other premises in respect of which one of the following permissions has effect—

- (a) a casino premises licence;
- (b) an adult gaming centre premises licence;
- (c) a betting premises licence other than a track premises licence; and

**3.** —(1) This paragraph shall apply where children or young persons or both are permitted by the licence holder to enter the premises, and Category B or C gaming machines are made available for use on the premises.

(2) Any area of the premises to which category B and C gaming machines are located—

(a) shall be separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for the purpose;

(b) shall be supervised at all times to ensure children or young persons or both do not enter the area; and

(c) shall be arranged in such a way that ensures all parts of the area can be observed by the persons mentioned in sub-paragraph (3).

(3) The reference to supervision in this paragraph means supervision by—

(a) one or more persons whose responsibilities include ensuring children or young persons or both do not enter the area; or

(b) closed circuit television which is monitored by one or more persons whose responsibilities include ensuring that children or young persons or both do not enter the area.

(4) A notice stating that no person under the age of 18 years is permitted to enter the area shall be displayed in a prominent place at the entrance to any area of the premises in which Category B or C gaming machines are made available for use.

**4.** —(1) In the case of a charge for admission to the premises, a notice of that charge shall be displayed in a prominent place at the principal entrance to the premises.

(2) In the case of any other charges in respect of gaming, a notice setting out the information in sub-paragraph (3) shall be displayed at the main point where payment for the charge is to be made.

(3) The notice in sub-paragraph (2) shall include the following information—

(a) the cost (in money) of each game card (or set of game cards) payable by an individual in respect of a game of bingo;

(b) in respect of each game card (or set of game cards) referred to in paragraph (a) the amount that will be charged by way of a participation fee for entitlement to participate in that game; and

(c) a statement to the effect that all or part of the participation fee may be waived at the discretion of the person charging it.

(4) The notice may be displayed in electronic form.

(5) A reference in this paragraph to a charge in respect of gaming does not include an amount paid for an opportunity to win one or more prizes in gaming to which section 288 of the 2005 Act (meaning of "prize gaming") applies.

**5.** —(1) The rules of each type of game that is available to be played the premises other than games played on gaming machines shall be made available to customers within the premises.

(2) The condition in sub-paragraph (1) may be satisfied by—

- (a) displaying a sign setting out the rules,
- (b) making available leaflets or other written material containing the rules, or
- (c) running an audio-visual guide to the rules prior to any bingo game being commenced.

**6.** Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

## PART 2

### Default conditions attaching to bingo premises licences

**1.** Subject to paragraph 2, no facilities for gambling shall be provided on the premises between the hours of midnight and 9am.

**2.** The condition in paragraph 1 shall not apply to making gaming machines available for use.

## SCHEDULE 3

### Regulation 12

### Mandatory conditions attaching to adult gaming centre premises licences

**1.** A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.

**2.** No customer shall be able to access the premises directly from any other premises in respect of which a licence issued under Part 8 of the Act, or a permit issued under Schedule 10, 12 or 13 to the Act, has effect.

**3.** Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.

**4.** —(1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.

(2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.



## SCHEDULE 4

### Regulation 13

Mandatory conditions attaching to family entertainment centre premises licences

1. No customer shall be able to access the premises directly from any other premises in respect of which one of the following premises licences has effect—

- (a) a casino premises licence;
- (b) an adult gaming centre premises licence;
- (c) a betting premises licence other than a track premises licence.

2. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.

3. —(1) Where Category C gaming machines are made available for use on the premises, any area of the premises in which those machines are located—

- (a) shall be separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for the purpose;
- (b) shall be supervised at all times to ensure children or young persons or both do not enter the area; and
- (c) shall be arranged in such a way so as to permit all parts of the area to be observed by the persons mentioned in sub-paragraph (2).

(2) The reference to supervision in this paragraph means supervision by—

- (a) one or more persons whose responsibilities include ensuring children or young persons or both do not enter the area; or
- (b) closed circuit television which is monitored by one or more persons whose responsibilities include ensuring that children or young persons or both do not enter the area.

(3) A notice stating that no person under the age of 18 years is permitted to enter the area shall be displayed in a prominent place at the entrance to any area of the premises in which Category C gaming machines are made available for use.

4. —(1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.

(2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.

## SCHEDULE 5

Conditions attaching to betting premises licences

PART 1

Mandatory conditions attaching to betting premises licences (other than track premises licences)

1. A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.

2. —(1) Access to the premises shall be from a street or from other premises with a betting premises licence.

(2) Without prejudice to sub-paragraph (1), there shall be no means of direct access between the premises and other premises used for the retail sale of merchandise or services.

3. Subject to anything permitted by virtue of the 2005 Act, or done in accordance with paragraphs 4, 5, 6 and 7 below, the premises shall not be used for any purpose other than for providing facilities for betting.

4. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.

5. No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises, except for apparatus used for the following purposes—

(a) communicating information about, or coverage of, sporting events, including—

(i) information relating to betting on such an event; and

(ii) any other matter or information, including an advertisement, which is incidental to such an event;

(b) communicating information relating to betting on any event (including the result of the event) in connection with which betting transactions may be or have been effected on the premises.

6. No publications, other than racing periodicals or specialist betting publications, may be sold or offered for sale on the premises.

7. No music, dancing or other entertainment shall be provided or permitted on the premises, save for entertainment provided in accordance with paragraph 5.

8. —(1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.

(2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.

9. A notice setting out the terms on which customers are invited to bet on the premises shall be displayed in a prominent place on the premises to which customers have unrestricted access.

## PART 2

Default conditions attaching to betting premises licences (other than in respect of tracks)

No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next day.

## SCHEDULE 6

Regulations 16 and 17

Conditions attaching to track premises licences

### PART 1

Mandatory conditions attaching to all track premises licences

1. No customer shall be able to access the premises directly from any other premises in respect of which one of the following premises licences has effect—

- (a) a casino premises licence;
- (b) an adult gaming centre premises licence.

2. A notice stating that no person under the age of 18 is permitted to bet on the premises shall be displayed in a prominent place at every public entrance to the premises.

3. The terms on which a bet may be placed must be displayed in a prominent place within the premises to which customers wishing to use facilities for betting have unrestricted access.

4. The premises licence holder shall make arrangements to ensure that betting operators who are admitted to the premises for the purpose of accepting bets—

- (a) will be operating under a valid operating licence; and
- (b) are enabled to accept such bets in accordance with—
  - (i) the conditions imposed under sections 92 (general betting operating licence) or 93 (pool betting operating licence) of the 2005 Act, or

- (ii) an authorisation under section 94 (horse-race pool betting operating licence) of that Act.

5. The premises licence holder shall make arrangements to ensure that reasonable steps are taken to remove from the premises any person who is found to be accepting bets on the premises otherwise than in accordance with the 2005 Act.

6. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

## PART 2

### Mandatory conditions attaching to track premises licences in respect of premises that are horse-race courses

1. —(1) This paragraph shall apply to converted track premises licences in respect of premises that are horse-race courses.

(2) The licence holder shall ensure that in respect of any part of the track, which immediately before 1st September 2007 was made available for the purposes of complying with a condition imposed under section 13(2) of the 1963 Act (which provides for conditions to be imposed on a certificate under section 13 relating to the places which are to be provided for enabling betting to take place on the track), that part shall continue to be made available for the purposes of enabling betting operators and betting operators' assistants to use it for carrying on business in connection with providing facilities for betting.

(3) Sub-paragraph (2) is without prejudice to any application under section 187 of the 2005 Act (application to vary a premises licence) to change the location of the part of the track to which that sub-paragraph applies.

(4) Where such an application is granted, sub-paragraph (2) is to have effect as if it required the licence holder to ensure that the part of the track identified in the application as the new location for the area referred to in that sub-paragraph is made available for the purposes of enabling betting operators and betting operators' assistants to carry on business in connection with providing facilities for betting.

(5) References in this paragraph to an "existing betting area" are to any part of the track which is required to be made available in accordance with the preceding provisions of this paragraph for the purposes of enabling betting operators and betting operators' assistants to carry on business in connection with providing facilities for betting.

(6) The charge for admission to an existing betting area for the purposes of carrying on business in connection with providing facilities for betting shall not exceed—

- (a) where payable by a betting operator, five times the cost of the highest charge paid by members of the public who are authorised to enter that part of the track; and

- (b) where payable by a betting operator's assistant, the cost of the highest charge paid by members of the public who are authorised to enter that part of the track.

(7) A betting operator or betting operator's assistant shall not be charged, for admission to an existing betting area, an amount which differs from that charged to any other betting operator or betting operator's assistant for admission to that part of the track.

(8) No charges may be made to betting operators and betting operators' assistants who are admitted to the existing betting areas of the track, other than—

- (a) the charge for admission in accordance with sub-paragraphs (6) and (7), and
- (b) charges levied to cover costs reasonably incurred in connection with enabling betting operators and betting operators' assistants to operate in the existing betting area.

(9) This paragraph shall not apply after 31st August 2012.

**2.** —(1) This paragraph shall apply to all track premises licences in respect of premises that are horse-race courses.

(2) The licence holder shall provide a place on the premises where betting operators and betting operators' assistants, including small-scale operators, may carry on business in connection with providing facilities for betting and to which the public may resort for the purpose of betting.

(3) The reference in this paragraph to "small-scale operators" shall have the same meaning as prescribed in The Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006<sup>[7]</sup>.

(4) This paragraph shall not apply to converted track premises licences before 1st September 2012.

**3.** In this Part "converted track premises licence" means a premises licence issued in respect of a track where—

- (a) the holder of the licence held a certificate under section 13 of the 1963 Act, in respect of the same or substantially the same premises (referred to below as "the 1963 Act permission");
- (b) the 1963 Act permission had effect immediately before 1st September 2007; and
- (c) the holder of the licence was granted the premises licence, under transitional provisions made under paragraph 9 of Schedule 18 to the 2005 Act, by reason of his holding the 1963 Act permission.

### PART 3

Mandatory conditions attaching to track premises licences in respect of premises that are dog racing tracks

1. A totalisator on the premises shall only be operated—

- (a) while the public are admitted to the premises for the purpose of attending dog races and no other sporting events are taking place on the premises; and
- (b) for effecting with persons on the premises betting transactions on dog races taking place on the premises.

2. —(1) At any time during which the totalisator is being lawfully used on the premises—

- (a) no betting operator or betting operator's assistant shall be excluded from the premises by reason only of the fact that he proposes to accept or negotiate bets on the premises; and
- (b) there shall be made available on the premises space for betting operators and betting operators' assistants where they can conveniently accept and negotiate bets in connection with dog races run on the premises on that day.

(2) This paragraph is without prejudice to section 180 (pool betting on dog races) of the 2005 Act.

3. For the purposes of this Part, "totalisator" means the apparatus for betting known as the totalisator or pari mutuel, or any other machine or instrument of betting of a like nature, whether mechanically operated or not.

PART 4

Default conditions attaching to all track premises licences

1. Subject to paragraph 2, no facilities for gambling shall be provided on the premises between the hours of 10pm on one day, and 7am on the next day.

2. The prohibition in paragraph 1 does not apply on days when a sporting event is taking place on the premises, in which case gambling transactions may take place at any time during that day.

## **GAMBLING ACT 2005 - DELEGATIONS (Report by Head of Administration)**

### **1. INTRODUCTION**

- 1.1 The Gambling Act 2005 provides that the functions of the Council as the licensing authority will be carried out by its Licensing Committee with three exceptions. Two of those exceptions cannot be delegated to the Licensing Committee. These are a resolution not to issue casino licences and functions in relation to the three-year statement of gambling principles (the Licensing Policy). The third exception is the setting of fees (to the extent that the Council has delegated power in this respect).
- 1.2 The purpose of this report is to invite the Committee to determine the delegation of functions under the Act.

### **2. GAMBLING COMMISSION GUIDANCE**

- 2.1 The Act requires the Gambling Commission to issue guidance to local authorities on the exercise of their functions and to which authorities must have regard. The guidance on delegation differs from that issued by the Secretary of State for alcohol licensing inasmuch as the latter recommended that decision making be delegated to Officers as far as was permissible under the legislation in the interests of speed. The Gambling Commission guidance makes it clear that it is open to Licensing Committees to choose not to delegate decisions and that an important consideration in determining whether any particular decision should be delegated will be whether delegation might give rise to a risk of judicial review challenge (particularly on the basis of an appearance of bias).
- 2.2 Decisions that are delegated to a Licensing Committee under the legislation may be further delegated to a sub-committee of the Licensing Committee or in certain circumstances to an officer. Generally where representations have been made and not withdrawn, the Act requires a hearing to be held and in such cases, it will be more appropriate for that decision making to be undertaken by a sub-committee. The Act lists a number of functions which may not be delegated to an officer which generally apply in the case of representations which have been received from responsible authorities or interested parties and not been withdrawn. Even though the parties concerned may have determined that a hearing is not necessary, in such cases an officer may not determine the application.
- 2.3 A schedule is attached which lists all the functions proposed for delegation by the Licensing Committee with recommendations as to whether these should be dealt with by sub-committees or by an officer.
- 2.4 With regard to fees, the Council's Code of Financial Management delegates responsibility for reviewing and varying fees and charges to Heads of

Service after consultation with the relevant executive councillor or chairman. It therefore seems inappropriate for the setting of relevant fees under the Gambling Act to be referred to the Council.

### **3. CONCLUSION AND RECOMMENDATIONS**

- 3.1 The Committee is required to determine the process by which applications and fees etc. will be determined under the Act and it is therefore

#### **RECOMMENDED**

- (a) that the Committee be invited to recommend the Council to delegate authority to set fees under the Act to the Committee; and
- (b) that the Committee approve the attached schedule of delegations under the Gambling Act.

#### **Background papers**

Gambling Commission – Guidance to Licensing Authorities – April 2006.

**Contact Officer:** Roy Reeves  
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APPENDIX

GAMBLING ACT 2005 – SCHEDULE OF DELEGATIONS

| Gambling Act 2005 | Functions   | Delegation  |
|-------------------|---|---|
| Section 163       | Determination of application for Premises Licence in respect of which representations have been made (and not withdrawn)<br>Determination of application for Premises Licence where no relevant representations received                | Licensing Sub-Committee<br>Head of Administration (or in his absence the Central Services Manager)  |
| Section 163       | Attachment of condition to Premises Licence or exclusion of default condition   | Licensing Sub-Committee   |
| Section 162       | Decision as to whether representation is vexatious, frivolous, or would certainly not influence the authority's determination of application  | Head of Administration (or in his absence Central Services Manager) after consultation with Chairman or Vice-Chairman at the Licensing Committee  |
| Section 187       | Determination of application to vary Premises Licence in respect of which representations have been made (and not withdrawn)<br>Determination of application to vary Premises Licence in respect of which no representation received    | Licensing Sub-Committee<br>Head of Administration (or in his absence Central Services Manager)  |
| Section 188       | Determination of application for transfer of Premises Licence in respect of which representations have been made (and not withdrawn)<br>Determination of application for transfer of Premises Licence where no representations received | Licensing Sub-Committee<br>Head of Administration (or in his absence Central Services Manager)  |
| Section 193       | Revocation of Premises Licence for failure to pay annual fee  | Licensing Sub-Committee   |
| Section 194       | Determination that a Premises Licence has lapsed  | Head of Administration (or in his absence Central Services Manager)<br>Head of Administration (or in his absence Central Services Manager)<br>Head of Administration (or in his absence Central Services Manager) |

**GAMBLING ACT 2005 – SCHEDULE OF DELEGATIONS**

| <b>Gambling Act 2005</b> | <b>Functions</b>   | <b>Delegation</b>   |
|--------------------------|--|---|
| Section 195              | Reinstatement of lapsed Premises Licence in respect of which representations have been made (and not withdrawn)<br>Reinstatement of lapsed Premises Licence where no representation is received  | Licensing Sub-Committee<br><br>Head of Administration (or in his absence<br>Central Services Manager)   |
| Section 198              | Rejection of application for review of Premises Licence on various grounds   | Head of Administration (or in his absence<br>Central Services Manager) after consultation with the Chairman or Vice-Chairman of the Licensing Committee |
| Section 200              | Initiation of review of Premises Licence   | Head of Administration (or in his absence<br>Central Services Manager)  |
| Section 201              | Determination that representation about review of Premises Licence is frivolous, vexatious or will certainly not influence a review of a Premises Licence  | Head of Administration (or in his absence<br>Central Services Manager) after consultation with the Chairman or Vice-Chairman of the Licensing Committee |
| Sections 201 and 202     | Review of Premises Licence and determination of action following review  | Licensing Sub-Committee   |
| Section 204              | Determination of application for provisional statement in respect of Premises Licence where representations have been made (and not withdrawn)<br>Determination of application for provisional statement in respect of which no representations received | Licensing Sub-Committee<br><br>Head of Administration (or in his absence<br>Central Services Manager)   |
| Section 205              | Decision to disregard representations made in respect of application for a Premises Licence after issue of provisional statement   | Head of Administration (or in his absence<br>Central Services Manager) after consultation with the Chairman or Vice-Chairman of the Licensing Committee |
| Section 218              | Issue of counter notice to Temporary Use Notice where number of permitted days are exceeded  | Head of Administration (or in his absence<br>Central Services Manager)  |
| Section 221              | Objection to Temporary Use Notice  | Head of Administration (or in his absence<br>Central Services Manager)  |
| Section 224              | Issue of counter notice in response to Temporary Use Notice  | Licensing Sub-Committee   |

**GAMBLING ACT 2005 – SCHEDULE OF DELEGATIONS**

| <b>Gambling Act 2005</b> | <b>Functions</b>  | <b>Delegation</b>   |
|--------------------------|---|---|
| Section 284              | Making of Order to remove exemptions from specified premises in respect of which representations have been made (and not withdrawn)<br>Making of Order to remove exemptions from specified premises where no representations received | Licensing Sub-Committee<br><br>Head of Administration (or in his absence the Central Services Manager)  |
| Section 346              | Institution of criminal proceedings in respect of an offence under the provisions of the Act  | Head of Administration (or in his absence Central Services Manager) after consultation with the Chairman or Vice-Chairman of the Licensing Committee                                |
| Schedule 10 Paragraph 8  | Determination of application for Family Entertainment Centre Gaming Machine Permit  | Head of Administration (or in his absence the Central Services Manager) (Refusal to be exercised only after consultation with Chairman or Vice-Chairman of the Licensing Committee) |
| Paragraphs 14 and 15     | Notification of lapse of Family Entertainment Centre Gaming Permit  | Head of Administration (or in his absence Central Services Manager) after consultation with the Chairman or Vice-Chairman of the Licensing Committee                                |
| Schedule 11 Paragraph 44 | Registration of society for small society lottery   | Head of Administration (or in his absence Central Services Manager)   |
| Paragraphs 47 and 48     | Refusal of application for registration of society for small society lottery  | Head of Administration (or in his absence Central Services Manager) after consultation with the Chairman or Vice-Chairman of the Licensing Committee                                |
| Paragraph 50             | Revocation of registration of society for small society lottery   | Head of Administration (or in his absence Central Services Manager) after consultation with the Chairman or Vice-Chairman of the Licensing Committee                                |
| Paragraph 54             | Cancellation of registration of society for small society lottery for non-payment of annual fee   | Head of Administration (or in his absence Central Services Manager)   |

**GAMBLING ACT 2005 – SCHEDULE OF DELEGATIONS**

| <b>Gambling Act 2005</b>               | <b>Functions</b>   | <b>Delegation</b>   |
|--|--|---|
| Schedule 12<br>Paragraphs 5, 10 and 24 | Determination of application for Club Gaming Permit and Club Machine Permit and for renewal of permit in respect of which representations have been made (and not withdrawn) | Licensing Sub-Committee   |
| Paragraph 15                           | Determination of application for Club Gaming Permit and Club Machine Permit and for renewal of permit where no representations received                                      | Head of Administration (or in his absence<br>Central Services Manager)  |
| Paragraph 21                           | Determination of application for variation of Club Gaming Permit and Club Machine Permit where representations have been made (and not withdrawn)                            | Licensing Sub-Committee   |
| Paragraph 22                           | Determination of application for variation of Club Gaming Permit and Club Machine Permit where no representations received   | Head of Administration (or in his absence<br>Central Services Manager)  |
| Schedule 13<br>Paragraphs 4, 15 and 19 | Cancellation of Club Gaming Permit and Club Machine Permit in respect of which representations have been made (and not withdrawn)  | Licensing Sub-Committee   |
| Paragraph 16                           | Cancellation of Club Gaming Permit and Club Machine Permit where no representations received   | Head of Administration (or in his absence,<br>Central Services Manager)<br>Head of Administration (or in his absence<br>Central Services Manager)   |
| Paragraph 16                           | Determination of application for grant, variation or transfer of Licensed Premises Gaming Machine Permit   | Head of Administration (or in his absence<br>Central Services Manager) (Refusal and limitation on number of machines only after consultation with Chairman or Vice-Chairman of the Licensing Committee<br>Licensing Sub-Committee |
| Paragraph 16                           | Cancellation of Licensed Premises Gaming Machine Permit or variation of number or category of machines in respect of which representations received (and not withdrawn)      | Head of Administration (or in his absence<br>Central Services Manager) (Refusal and limitation on number of machines only after consultation with Chairman or Vice-Chairman of the Licensing Committee<br>Licensing Sub-Committee |

**GAMBLING ACT 2005 – SCHEDULE OF DELEGATIONS**

| <b>Gambling Act 2005</b>           | <b>Functions</b>   | <b>Delegation</b>   |
|------------------------------------|--|---|
| Paragraph 17                       | Cancellation of Licensing Premises Gaming Machine Permit and variation of number or category of machine where no representations received<br>Cancellation of Licensed Premises Gaming Machine Permit for failure to pay annual fee | Head of Administration (or in his absence<br>Central Services Manager)<br><br>Head of Administration (or in his absence<br>Central Services Manager)                  |
| Schedule 14<br>Paragraphs 9 and 18 | Determination of application for Prize Gaming Permit and application for renewal of Permit   | Head of Administration (or in his absence<br>Central Services Manager) (Refusal only<br>after consultation with Chairman or Vice-<br>Chairman of Licensing Committee) |
| Paragraph 15                       | Determination that Prize Gaming Permit has lapsed  | Head of Administration (or in his absence<br>Central Services Manager)  |

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## **GAMBLING ACT 2005 - FEES (Report by Head of Administration)**

### **1. INTRODUCTION**

- 1.1 The Committee will recall that regulations made under the Licensing Act 2003 fixed all of the fees for licences etc. granted under that Act, following concerns within the licensed trade that authorities would set fees too high if these were determined locally. Conversely authorities and subsequent independent reviews have suggested that not all of the expenditure being incurred by authorities is being recovered from fee income.
- 1.2 A different approach has been adopted by the Department for Culture, Media and Sport (DCMS) for the Gambling Act 2005. While fees for permits have been set nationally, maximum fees have been set for premises licences and licensing authorities have discretion to set their own fees, subject to the maxima not being exceeded. The purpose of this report is to invite the Committee to determine those fees for which they have responsibility

### **2. DETERMINATION OF FEES**

- 2.1 The Council has delegated responsibility for the setting of fees to the Licensing Committee. The Council's Code of Financial Management permits the further delegation of fees to Directors and Heads of Service for services under their control, after consultation with the relevant executive councillor or chairman. However given that fees are being set for the first time under the Gambling Act, the Committee is invited to determine the amounts to be charged.
- 2.2 The DCMS has produced guidance on the setting of premises licence fees which draws attention to the fact that authorities have a duty to set fees on a cost recovery basis in accordance with the requirement in the Act to 'aim to ensure that income from fees as nearly as possible equates to the cost of providing the service to which the fee relates including a reasonable share of expenditure which is referable only partly or indirectly to the provision of that service'. The guidance requires licensing authorities to be transparent about the assumptions that they make in setting their fees.
- 2.3 The guidance also refers to the Treasury Fees and Charges Guide which includes advice on how services should be costed and what factors can and cannot be included in determining fee levels. The authority can include in the calculation the total cost of all of the resources used in providing the service (both direct and indirect costs, including a full proportionate share of overheads, insurance, depreciation and cost of capital). Start up costs cannot be taken into account (training, recruitment, additional software/hardware, transfer of records and the licensing policy statement) as this was provided

for in the revenue support grant. Annual fees can include the cost of compliance, enforcement and dealing with any illegal gambling, although the Gambling Commission will be publishing guidance to licensing authorities that advocates a risk based approach to enforcement.

- 2.4 The authority has discretion to set different fees for the various types of premises licence, subject to the maxima not being exceeded and for seasonal licences (although these are unlikely to be relevant in Huntingdonshire). An annual fee also has to be determined which is payable 30 days after the date that a licence is issued or comes into effect and annually thereafter. In determining the first annual fee, the guidance invites authorities to consider whether it is appropriate to set a lower fee than normal on the basis that work undertaken in determining the application will reduce the amount of work required in the following year.
- 2.5 The guidance recommends that fees are reviewed annually, at least at the outset, to ensure that income is not exceeding expenditure in any one accounting period. There is a recognition that it is difficult to forecast the amount of time required and that 2007/08 will not be a typical year.

### **3. TYPES OF FEE**

#### **3.1 The following fees are payable –**

- Application fee - one-off, non-refundable fee upon application for new gambling premises licence, covering the cost of receiving, considering and determining the application, including staff costs, overheads, IT, legal and other central support costs, initial inspections, Licensing Committee costs, hearing costs and appeals;
- Application fee under transitional arrangements – fast track application by existing licence holder who accepts all default licence conditions and slow track application by existing licence holder who seeks to vary default conditions;
- First annual fee – payable within 30 days of licence issue or its coming into effect to cover regulatory costs in first year such as processing costs, plus review, inspection and enforcement activity;
- Annual fee – payable annually by licence holder to cover regulatory costs including, in addition to those referred to above, updating computer systems, registers and annualised costs of producing the 3 year licensing policy statement;
- Change of circumstance fee;
- Variation of licence fee;
- Transfer of licence fee;
- Re-instatement fee;
- Provisional statement fee;



- Copy of licence fee.

#### **4. FEE LEVELS**

- 4.1 LACORS have produced a tool kit to assist authorities in assessing the amount of work to be undertaken both initially and in subsequent years. Although an exercise has been undertaken to assess how much time will be spent, this remains difficult to predict. As the volume of licensed premises is likely to be low, costs will be proportionately higher per licence and one appeal could absorb most of the income derived in a financial year. Bearing in mind the level of on-costs charged to the licensing budget and the likelihood that most existing licence holders will opt for the fast track route on transition, it is suggested that the maximum fees be charged as set out in the attached appendix. From discussion with neighbouring authorities, it is anticipated that most will set fees at the maximum, the exceptions locally being Cambridge and Peterborough City Councils.

#### **5. CONCLUSION AND RECOMMENDATION**

- 5.1 Bodies representing licence holders have warned that they will challenge authorities on the fees that they have set if they consider these to be unreasonable. However, it is suggested that the maximum fee levels can be justified, although a reduced first annual fee seems reasonable given the time that will be spent in considering a premises licence on first application.

It is therefore

#### **RECOMMENDED**

that fees be set for premises licences and other charges as set out in the appendix attached.

#### **Background Papers**

DCMS guidance to licensing authorities on setting premises licence fees  
LACORS tool kit for fee setting

**Contact Officer:** Roy Reeves  
Head of Administration  
Tel: (01480) 388003.

**Appendix:** Licensing Report – Gambling Act 2005 – Schedule of Fees.xls

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**GAMBLING ACT 2005**

**TABLE OF FEES**

(All of the following are the maximum fees, except first annual fee where the maximum is the same as the annual fee)

| Classes of premises licence | Fast Track Application | Non-fast Track Application | Non-Conversion Provisional Statement | Non-Conversion Application | Annual Fee | First Annual Fee | Variation | Transfer | Re-instatement | Provisional Statement |
|-----------------------------|------------------------|----------------------------|--------------------------------------|----------------------------|------------|------------------|-----------|----------|----------------|-----------------------|
|                             | £                      |                            |                                      |                            |            |                  | £         |          |                |                       |
| Regional Casino             |                        |                            | 8,000                                | 15,000                     | 15,000     | 11,250           | 7,500     | 6,500    | 6,500          | 15,000                |
| Large Casino                |                        |                            | 5,000                                | 10,000                     | 10,000     | 7,500            | 5,000     | 2,150    | 2,150          | 10,000                |
| Small Casino                |                        |                            | 3,000                                | 8,000                      | 5,000      | 3,750            | 4,000     | 1,800    | 1,800          | 8,000                 |
| Bingo                       | 300                    | 1,750                      | 1,200                                | 3,500                      | 1,000      | 750              | 1,750     | 1,200    | 1,200          | 3,500                 |
| Adult Gaming Centre         | 300                    | 1,000                      | 1,200                                | 2,000                      | 1,000      | 750              | 1,000     | 1,200    | 1,200          | 2,000                 |
| Betting Premises (Track)    | 300                    | 1,250                      | 950                                  | 2,500                      | 1,000      | 750              | 1,250     | 950      | 950            | 2,500                 |
| Family Entertainment Centre | 300                    | 1,000                      | 950                                  | 2,000                      | 750        | 565              | 1,000     | 950      | 950            | 2,000                 |
| Betting Premises (Other)    | 300                    | 1,500                      | 1,200                                | 3,000                      | 600        | 450              | 1,500     | 1,200    | 1,200          | 3,000                 |

Change of circumstance fee for all classes of premises licence - £50

Fee for application for copy of licence - £25

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LICENSING COMMITTEE

13 JUNE 2007

**GAMBLING ACT 2005  
AUTHORISED PERSONS  
(Report by Head of Administration)**

**1. INTRODUCTION**

- 1.1 Part 15 of the Gambling Act 2005 contains powers for the Gambling Commission, local authorities, licensing authorities and the Police to monitor compliance with the provisions of the Act and with licence conditions and to investigate suspected offences. This report invites the Committee to authorise officers of the licensing authority as authorised persons under the Act.

**2. AUTHORISATIONS**

- 2.1 The Act grants certain powers to police constables, enforcement officers (designated staff of the Gambling Commission) and to authorised persons. The latter include inspectors appointed under the Fire Precautions Act, Health & Safety at Work etc Act and any other person prescribed in regulations by the Secretary of State. With regard to the Council, a distinction has to be made between its role as the local authority and as the licensing authority. If an officer has already been authorised for the purposes of minimising or preventing the risk of pollution of the environment or of harm to human health, that officer is already an authorised person for the purposes of the Gambling Act 2005. The same situation does not apply to the Council's role as licensing authority and officers are specifically required to be authorised under the Act.
- 2.2 Police constables, enforcement officers and authorised persons have wide ranging powers under the Act to inspect premises and machines, question people on licensed premises, require access to and copies of written or electronic records and remove and retain any equipment or anything else which is suspected of being used in the commission of an offence. The approach of the Gambling Commission will be that the authority that has issued a licence or permit should take the lead in ensuring compliance with that licence or permit and any conditions attached to it, including compliance with any relevant codes of practise. The general intention is that the regulatory burden will be the minimum consistent with the carrying out of statutory duties and for inspections to be based on an assessment of risk in respect of individual premises.

### **3. CONCLUSION AND RECOMMENDATIONS**

3.1 The Committee is required to authorise officers for the purpose of the Act and it is therefore

#### **RECOMMENDED**

that the following officers be authorised under Part 15 of the Gambling Act 2005 as authorised persons:

- Head of Administration
- Central Services Manager
- Licensing Officer
- Assistant Licensing officers

#### **Background papers**

Gambling Act 2005

**Contact Officer:** Roy Reeves  
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