

**LICENSING ACT 2003  
LICENSING OF GAMING  
(Report by Head of Administration)**

**1. INTRODUCTION**

- 1.1 The Licensing Act 2003 has amended certain aspects of the Gaming Act 1968 and the Lotteries and Amusements Act 1976 and transferred responsibility to the District Council from the courts for the licensing of gaming machines and prize gaming and for the playing of games on premises licensed for the sale of alcohol.
- 1.2 Pending the implementation of the Gambling Act 2005 which is anticipated with effect from September 2007, the Committee is required to have in place the necessary delegations etc. to enable applications to be determined.

**2. LICENSABLE ACTIVITIES**

- 2.1 The Act transfers responsibility to the District Council with effect from 24<sup>th</sup> November 2005 for the licensing of the following activities in premises with a premises licence:-
- gaming machines  
prize gaming permits (prize bingo)  
the playing of certain games for the purpose of gaming.
- 2.2 The Council is currently responsible for licensing both gaming machines and prize bingo in premises without a justices on-licence, the former usually comprising cafes, take away food outlets, private hire waiting rooms etc. There are no premises currently licensed for prize bingo. The responsibility for licensing gaming machines in clubs will remain with the magistrates courts until such time as the Gambling Act is enacted.
- 2.3 DCMS Gambling Circular 13 explains the transitional arrangements for the transfer of responsibility to the Council. Existing permits will continue to operate for the remainder of any unexpired term of 3 years and any orders issued by the courts for the playing of games will remain valid. A report will be given to the Committee when it is clear how many permits and orders have been issued by the local magistrates and will transfer.
- 2.4 The 2003 Act also defines the licensing of the Council's responsibilities under the Gaming Act 1968 and the Lotteries and Amusements Act 1976 as licensing activities for the purposes of the Licensing Act 2003 which means that they fall within the remit of the Licensing Committee and not the Licensing and Protection Panel.

**3. DELEGATIONS**

- 3.1 The DCMS circular expects that the majority of decisions to be made in determining applications for the grant or renewal of permits and in making orders will be delegated to officers, although there will need to be a mechanism for hearing representations and to afford an applicant an

opportunity to appear before a Sub Committee in the event of officers being minded to refuse an application.

- 3.2 Statutory fees apply to the licensing of gaming machines and prize gaming permits and there is no fee payable for applications for orders for the playing of certain games. The Council does not have any enforcement responsibilities under the Acts which are matters for the Police and the Gaming Board. For this reason, the Council's officers have no powers of entry under the legislation.

#### **4. CONCLUSION**

- 4.1 The arrangements for gambling in this country will be changed substantially by the Gambling Act in 2007 but in the interim, the Council will become the licensing authority for all gaming machines in the District (with the exception of those in clubs), for prize gaming and for making orders for gaming on licensed premises. Although the transfer is likely to be time consuming in terms of the transfer of records from the courts, it will be possible to absorb the grant and renewal of permits within existing resources funded by the permit fees.
- 4.2 New delegations are also required both for the new licensing functions and for the existing ones transferred from the Licensing and Protection Panel.

#### **5. RECOMMENDATIONS**

- 5.1 It is therefore

##### **RECOMMENDED**

- (a) that the Head of Administration (or in his absence the Central Services Manager) be authorised to determine applications for the grant and renewal of permits for gaming machines under section 34 of the Gaming Act 1968 and for prize gaming under section 16 of the Lotteries and Amusements Act 1976;
- (b) that, in the event of objections being received or in cases where the Head of Administration (or in his absence the Central Services Manager) is minded to refuse an application, the Licensing Sub Committee be authorised to determine applications for the grant or renewal of permits for gaming machines under section 34 of the Gaming Act 1968 and for prize gaming under section 16 of the Lotteries and Amusements Act 1976;
- (c) that the Head of Administration (or in his absence the Central Services Manager) be authorised to make and vary orders for the playing of certain games on premises with a premises licence under section 6 of the Gaming Act 1968; and
- (d) that, in the event of objections being received or in cases where the Head of Administration (or in his absence the Central Services Manager) is minded to refuse or vary an application or to revoke an order, the Licensing Sub Committee be authorised to hold a hearing and to determine the application or revoke the order for the playing of certain games on premises with a premises licence under section 6 of the Gaming Act 1968.

**Background papers**

DCMS Gambling Circular 13 dated 10<sup>th</sup> October 2005.

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