
Gambling Act 2005 - Delegations

Report by the Head of Administration

1. INTRODUCTION

- 1.1 The Gambling Act 2005 will be implemented shortly which will establish new responsibilities for the Council to license premises that are used for gambling in the District.
- 1.2 The Act provides that the functions of the Council as the licensing authority will be carried out by its Licensing Committee created in accordance with the Licensing Act 2003. There are three exceptions where powers are specifically reserved to the Council in the legislation, two of which cannot be delegated. These are a resolution not to issue casino licences and functions in relation to the three-year statement of gambling principles, the latter having been approved by the Council in December 2006. The third exception where delegation is at the discretion of the Council is the setting of fees (to the extent that the Council has delegated power in this respect).

2. DELEGATION

- 2.1 With regard to fees, some are fixed by Regulations made by the Secretary of State. The Council has discretion to set its own fees in other areas, subject to maximum amounts set in the Regulations and income not exceeding the costs incurred. 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 retained by the Council in this instance.

3. RECOMMENDATION

- 3.1 It is therefore

RECOMMENDED

that the Council delegate the authority to set fees for licences, permits etc. under the Gambling Act 2005 (where such discretion is provided for in the Act) to the Licensing Committee.

BACKGROUND PAPERS

Nil

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