

GAMBLING ACT 2005 – IMPLEMENTATION**(Report by Head of Administration)****1. Introduction**

- 1.0 The second major transfer of licensing functions to the authority, the Gambling Act 2005, came into effect on 1st September. Reports on conditions, fees, delegations etc. were submitted to the last meeting of the Committee. This report summarises the present position in terms of the transitional arrangements and the implications of the legislation.

2. The Legislation

- 2.1 Regulations were being issued by Parliament until a matter of days before the Act came into force. Over 50 separate Statutory Instruments have now been published with other changes to the Act having been made by subsequent legislation. The Act requires the authority to have regard to guidance issued by the Gambling Commission on the exercise of its functions under the Act. The Commission issued a second edition of its Guidance in June and has also issued separate guidance on small society lotteries.
- 2.2 The Act requires the authority to produce its own statement of licensing principles which was approved by Council in December 2006.
- 2.3 Notwithstanding the criticism of DCMS about the way in which the Licensing Act was implemented, the same problems have occurred with the Gambling Act in terms of the late issue of Regulations and the deferral of the implementation date. Although the volume of applications to be dealt with is lower, the greater variety of licence and permit compared with the Licensing Act and the breadth and complexity of the legislation has meant that the implementation has been equally as demanding.

3. Transitional Arrangements

- 3.1 Those operators who held a licence under the previous legislation have had 2 months in which to fast track their applications for premises licences under the Act. The following applications have been received –

Betting (Track)	1
Betting (Betting Offices)	
Adult Gaming Centres	2
Family Entertainment Centres	0
Bingo	0

- 3.2 Those premises that require permits generally do not need to apply until such time as their existing permits granted by the courts and the Council are due for renewal. The first of those are now starting to be received, with the anticipated number of permits required, based upon data supplied by the courts, being –

Unlicensed Family Entertainment Centres	1
Club Gaming Permits	1
Club Machine Permits	31
Alcohol Licensed Premises	
Prize Gaming Permits	0

- 3.3 The number for club machine permits would appear to be low and will need some further investigation. However this will be reliant upon information supplied by the clubs as there is no right of entry by the authority to those premises.
- 3.4 There is no indication as to the volume of occasional use and occasional use notices that may be received, nor the amount of time that may be involved in monitoring the activities provided by travelling fairs.
- 3.5 The final change involves small society lotteries of which there are 189 registered currently. These will move to a rolling programme of annual fees for new applications as opposed to the present renewal at a fixed date.
- 3.6 Although there may be no licences or permits granted for particular types of gambling currently, the computer systems still need to be set up in the event of an application or notice being received at any point.

4. Information Exchange

- 4.1 The authority will need to work closely with the Gambling Commission which is responsible for the issue of operating and personal licences. The Commission and HM Customs and Revenues require notification of all new licences and permits, changes of address of licence holders etc. and the Commission has indicated that quarterly statistical reports must be submitted including details of any hearings, reviews, inspections as well as the number of licences and permits processed.

5. Fees

- 5.1 The Committee set the fees for premises licences at their last meeting. The fees for permits have been set by Regulation and are set out in the attached schedule.

6. Conclusion

- 6.1 Accommodating the implementation of the Gambling Act has been challenging, coming relatively soon after the Licensing Act. The combined knowledge required to understand the complexities of the legislation, together with the other existing licensing regimes, is significant with Licensing Section staff being frequently required to provide detailed explanations to applicants, licence holders, objectors and complainants. Nevertheless, the Section is on track to implement the Gambling Act on schedule with a minimum of disruption to existing licence and permit holders.

7. Recommendation

- 7.1 The Committee is

Recommended

to note the content of this report.

Background papers: Nil

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