

GAMBLING ACT 2005 – DELEGATIONS

(Report by Head of Administration)

1. Introduction

- 1.1 At its meeting held on 13th June 2007, the Committee approved a schedule of delegations to officers to enable them to implement and administer the provisions of the Gambling Act 2005. Two further delegations are now thought to be necessary for the avoidance of doubt.

2. Delegations

- 2.1 Unlike the Licensing Act 2003, the Gambling Act defines the licensing authority as a responsible authority which enables the authority to submit representations in its own right when an application for a premises licence is submitted. The schedule of delegations referred to above omits to authorise an officer to make representations on the authority's behalf. In practice, those representations will need to be made by the Licensing Manager, the Head of Administration needing to remain impartial to advise Licensing Sub Committees at hearings when representations are being considered.
- 2.2 In addition, the Council is defined as a responsible authority for the purposes of the Act in terms of its role in minimising the risk of pollution to the environment or of harm to human health. The schedule of delegations also omits to authorise an officer to act on behalf of the Council as the environmental health authority which should be the Head of Environmental and Community Health Services.

3. Conclusion and Recommendations

- 3.1 To avoid the potential risk of challenge by Solicitors acting on behalf of applicants for licences, it would be advisable to formalise the present arrangements for the submission of representations under the gambling legislation and it is therefore

RECOMMENDED

- (a) that the Licensing Manager be authorised to act on behalf of the licensing authority under section 157(a) of the Gambling Act 2005; and
- (b) that the Head of Environmental and Community Health Services be authorised to act on behalf of the environmental health authority under section 157(g) of the Gambling Act 2005.

Contact Officer:

Roy Reeves, Head of Administration
Tel: (01480) 388003

Background Papers:

Gambling Act 2005