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# CARLISLE CITY COUNCIL

**Report to:-** The Chairman and Members of the Licensing Committee

**Date of Meeting:-** 31<sup>st</sup> May 2006

**Agenda Item No:-**

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**Public**

**Operational**

**Delegated Yes**

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**Accompanying Comments and Statements**

**Required**

**Included**

Cumbria Fire Service

No

No

Cumbria Constabulary

No

No

Environmental Services

No

No

Planning Services

No

No

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**GAMBLING ACT 2005**

**Title:-**

**UPDATE ON IMPLIMENTATION**

**Report of:-**

**LEGAL & DEMOCRATIC SERVICES**

**Report reference:-**

**LDS. 19/06**

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**Summary:-**

Regulations under the Gambling Act 2005 have recently been published which give clearer information on the time frame of implementation. This report gives an update on the current position.

**Recommendation:-**

Members to note the information and consider appointing a working group to oversee preparation of the gambling policy and consultation.

J A Messenger  
Licensing Manager

## To the Chairman and Members of the Licensing Committee on 31<sup>st</sup> May 2006

This report is presented to update members on the provisions of the Gambling Act 2005.

### **Background**

- 1.1 The Gambling Act 2005 repeals the Betting Gaming and Lotteries Act 1963, the Gaming Act 1968 and the Lotteries and Amusements Act 1976.
- 1.2 The Gambling Act received Royal Assent on 7 April 2005. The Act gives new responsibility to Licensing Authorities to undertake a number of licensing and regulatory functions in relation to gambling premises.
- 1.3 In all of their activities, Authorities will be guided by the three licensing objectives set out in Section 1 of the Act:
  - To prevent gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime
  - To ensure that gambling is conducted in a fair and open way; and
  - To protect children and vulnerable persons from being harmed or exploited by gambling
- 1.4 In order to assist Authorities in undertaking these new responsibilities and to provide transparency for those wishing to apply to an Authority for a permission under the Act, Section 349 requires all Authorities to prepare and publish a Licensing Policy Statement. This document will last for a maximum of three years, but can be reviewed and revised by the Authority at any time. It must set out the principles the Authority proposes to apply in exercising its functions under the Act.
- 1.5 Cumbria Licensing Officer Forum is currently producing a draft policy to be used by the Cumbrian authorities. This is based on the template provided by LACORS to all authorities and will ensure consistency. The practice is similar to the Licensing Act 2003, when the Regulatory Panel appointed a Working Group of three members to oversee the preparation and consultation process of the policy.
- 1.6 The Act gives Licensing Authorities a number of important regulatory functions in relation to gambling. The main functions are to:
  - License premises for gambling activities
  - Consider notices given for the temporary use of premises for gambling
  - Grant permits for gaming and gaming machines in clubs and miners' welfare institutes
  - Regulate gaming and gaming machines in alcohol licensed premises
  - Grant permits to family entertainment centres for the use of certain lower stake gaming machines
  - Grant permits for prize gaming
  - Consider occasional use notices for betting at tracks
  - Register small societies' lotteries.

- 1.7 With regard to casinos, there will be 17 new casinos permitted throughout England and Wales and Local Authorities interested in having a new casino in their area should have submitted a proposal to the Casino Advisory Panel by not later than 31 March 2006. Of the 6 Cumbrian Authorities, Carlisle City Council is the only one that has submitted a proposal to have a casino in its area. The announcement of the short list of successful applicants is imminent.
- 1.8 The Gambling Commission is required to issue guidance to Licensing Authorities in accordance with Section 25 of the Act. This guidance was published on 1<sup>st</sup> May 2006.
- 1.9 In addition, the Gambling Commission has recently published a 119-page consultation document entitled 'Licence Conditions and Codes of Practice'. Officers have considered this document with colleagues from other Licensing Authorities and submitted a collective response through the Institute of Licensing, which is the national association of licensing officers.
- 1.10 The timetable for the implementation of the Gambling Act 2005 is as follows:
- April 2005 Act passed
  - 1 May 2006 – Gambling Commission publishes guidance to Local Authorities
  - May/June 2006 – Authority develops Draft Policy Statement
  - June – August 2006 – Consultation held on Draft Policy Statement
  - September – October 2006 – Re-draft Policy Statement
  - November – December 2006 – Full Council to approve Policy Statement
  - By 3 January 2007 – Publish Policy Statement
  - 31 January 2007 – First Appointed Day. Transition commences, Licensing Authority starts receiving applications for gambling licences
  - 1 September 2007 – Second Appointed Day. Full implementation of Gambling Act 2005
- 1.11 The Committee will be updated on further developments on the implementation of the Gambling Act including training arrangements for Members later this year. For Members' information, a copy of the guidance to Licensing Authorities and the consultation document on Licence Conditions and Codes of Practice are available in the Licensing Office.

## OPTIONS

- 2.1 Members are asked to note the current position.
- 2.2 Members are requested to appoint a Gambling Policy Working Party to consider the draft policy document prior to consultation.

Prepared by J A Messenger, Licensing Manager