

**BABERGH DISTRICT COUNCIL**

**FROM: Head of Built and Natural Environment**

**REPORT NUMBER    **F95****

**TO: LICENSING AND APPEALS COMMITTEE**

**DATE OF MEETING    5 October 2006**

**GAMBLING ACT 2005: STATEMENT OF LICENSING PRINCIPLES DOCUMENT AND LICENSING AUTHORITY DELEGATIONS**

**1.    SUMMARY**

- 1.1 The Gambling Act 2005 places new functions and responsibilities, for the issuing of licences and permits for gambling/gaming premises, on local Licensing Authorities. The Act received Royal Assent on 7 April 2005 and is likely to be fully implemented in September 2007. Licensing Authorities will, however, receive applications from 31 January 2007 onwards. One of the first functions for a Licensing Authority under the new legislation is to prepare and publish a statement of the principles it will apply when dispensing its new functions.
- 1.2 Following expiration of the statutory period of consultation, the Council now needs to adopt its 'Statement of Licensing Principles' and resolve appropriate delegations for the exercise of its functions under the 2005 Act.
- 1.3 Members will recall the version 4 draft template 'Statement of Licensing Policy' attached as Appendix 1 to Paper F47 (13 July 2006). Suggested post-consultation revisions to the version 4 document will be circulated at the meeting (these cannot be circulated prior to the meeting as the consultation period does not conclude until 2 October 2006).

**2.    RECOMMENDATIONS TO COUNCIL**

- 2.1 That the suggested revisions to be circulated at the meeting be approved and incorporated in the Gambling Act 2005 'Statement of Principles' document for adoption and publication from 3 January 2007, to take effect for a three-year period from 31 January 2007.
- 2.2 That delegation be given to the Licensing Sub-Committee and officers in respect of Gambling Act 2005 functions in accordance with the table attached as Appendix 1.

**3.    FINANCIAL IMPLICATIONS**

- 3.1 Central Government has advised that 'start-up costs' associated with Gambling Act 2005, including costs incurred with formulation of the 'Statement of Principles', have been made available in the Revenue Support Grant awarded to Local Authorities in both 2004/5 and 2005/6. These funds were neither 'ring-fenced' nor identifiable at the time of these grants.
- 3.2 There will be permit and licence fee income for the various applications and processes under the Gambling Act 2005. Some will be fixed fees set by Central Government, whilst others will be variable fee bandings by licence type allowing the Licensing Authority to 'self-select' the most appropriate fee level (limited to cost recovery only).

- 3.3 Officers have shared costs of advertising, and pooled resources wherever possible with other Suffolk Licensing Authorities, in order to achieve efficiencies in the development of the 'Statement of Principles Document' and keep costs to this Authority at a minimum.

#### 4. **KEY INFORMATION**

- 4.1 Section 349 of the Gambling Act 2005 requires that each local Licensing Authority shall prepare and publish a statement of the principles that it proposes to apply in exercising its functions under the Act.
- 4.2 The 'Statement of Principles' document must contain certain key information as required by regulation. The statement must also take into account any guidance issued by the newly formed Gambling Commission under section 25 of the Gambling Act 2005. The Babergh draft 'Statement of Principles' document has taken into account all legislative, regulatory and guidance considerations available at this time.
- 4.3 In accordance with the resolution of the Licensing and Appeals Committee at its meeting on 13 July 2006 officers have proceeded to conduct a period of full consultation on the draft 'Statement of Licensing Principles' document with statutory consultees, identified stakeholders and the general public. This consultation ran for a period of ten weeks, commencing on 24 July 2006 and concluding on 2 October 2006.
- 4.4 A full summary of consultation responses received during the ten week period will be circulated at the meeting together with suggested revisions to the version 4 principles document appended to Paper F47. Members may require a brief adjournment to review the suggested revisions and consultation responses.
- 4.5 The 'Statement of Licensing Principles' document makes reference to the level at which decisions will be made under the Gambling Act 2005. Decisions that are delegated to a licensing committee may be further delegated to a sub-committee of the licensing committee, which may arrange for them to be taken by an officer of the Authority (with the exception of certain decisions as identified in Appendix 1).
- 4.6 A summary of the lowest level to which decisions can be delegated under sections 154 and 155 of the Gambling Act 2005 is attached as Appendix 1. This is contained within the statutory Gambling Commission Guidance with a view to promoting a consistent approach across district/borough boundaries.
- 4.7 Once the document has been adopted it will be published on the Council website and made widely available, and this must be done no later than 3 January 2007. It will be an integral point of reference for the Committee, officers, applicants and other responsible/interested parties.

#### 5. **APPENDICES**

**Appendix 1:** Summary of Licensing Authority delegations permitted under the Gambling Act 2005.

#### 6. **BACKGROUND PAPERS REFERRED TO**

None.

**CONTACT:** Lee Carvell (Principal Licensing Officer)      **DIRECT LINE:** 01473 825719

Table 4.i: Summary of licensing authority delegations permitted under the Gambling Act.

| Matter to be dealt with                                     | Full Council | Sub-committee of licensing committee                         | Officers  |
|---|--------------|--|---|
| Final approval of three year licensing policy               | X            |  |   |
| Policy not to permit casinos                                | X            |  |   |
| Fee setting (when appropriate)                              |              |  | X   |
| Application for premises licences                           |              | Where representations have been received and not withdrawn   | Where no representations received/representations have been withdrawn |
| Application for a variation to a licence                    |              | Where representations have been received and not withdrawn   | Where no representations received/representations have been withdrawn |
| Application for a transfer of a licence                     |              | Where representations have been received from the Commission | Where no representations received from the Commission                 |
| Application for a provisional statement                     |              | Where representations have been received and not withdrawn   | Where no representations received/representations have been withdrawn |
| Review of a premises licence                                |              | X  |   |
| Application for club gaming/club machine permits            |              | Where objections have been made (and not withdrawn)          | Where no objections made/objections have been withdrawn               |
| Cancellation of club gaming/club machine permits            |              | X  |   |
| Applications for other permits                              |              |  | X   |
| Cancellation of licensed premises gaming machine permits    |              |  | X   |
| Consideration of temporary use notice                       |              |  | X   |
| Decision to give a counter notice to a temporary use notice |              | X  |   |

X Indicates at the lowest level to which decisions can be delegated