

BABERGH DISTRICT COUNCIL

FROM: Acting Head of Legal and
Administrative Services

REPORT NUMBER **F16**

TO: LICENSING AND APPEALS

DATE OF MEETING 4 May 2006

GAMBLING ACT 2005 - CONSULTATIONS

1. **SUMMARY**

This report informs Committee of the consultations currently being undertaken in respect of the new Gambling Act 2005.

2. **RECOMMENDATIONS**

2.1 The Committee is asked to consider the Report and authorise the Acting Head of Legal and Administrative Services to respond to outstanding consultations with any response that the Committee may wish to make.

3. **FINANCIAL IMPLICATIONS**

3.1 These will need to be considered as the Act is implemented.

3.2 The Government states that set-up costs in respect of the Act have been included in previous years' grant settlements from Central Government. These were not ring-fenced.

4. **KEY INFORMATION**

4.1 The Gambling Act 2005 replaces most of the existing law about gambling in Britain save that it does not include the National Lottery. The new Gambling Commission will issue Operating and Personal Licences. District Councils, as Licensing Authorities, will be responsible for licensing premises.

4.2 The new legislation is a comprehensive structure with flexible protection for children and vulnerable adults (although this phrase is not defined) and, in particular, brings Internet gambling into regulation.

4.3 The Gambling Commission is the new, independent regulatory body for commercial gambling. It takes over the Gaming Boards existing work and expands on it.

4.4 The target date for full implementation is still 2007.

4.5 The Gambling Commission is undertaking various works and has commenced consulting on significant issues. The Department of Culture, Media and Sport is also consulting on various issues.

5. **GAMBLING COMMISSION CONSULTATIONS**

5.1 The first consultation closed on 27 January 2006. The consultation concentrated on the "Statement of Principles on Licensing and Regulation". It was divided into two sections. The first deals with the "high level" principles. This element will eventually serve as the main public statement of the Commission's approach to regulation. The Licensing objectives set by the Gambling Act 2005 are:-

- (i) to prevent gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime.
- (ii) to ensure that gambling is conducted in a fair and open way.
- (iii) to protect children and other vulnerable persons from being harmed or exploited by gambling.

5.2 The second section deals with some of the provisions of the Act on which the Commission is required to produce public statements. There will be further consultation on other provisions in the future but the consultation was on two areas:-

- (a) The general principles behind the consideration of applications for operating licences by the Gambling Commission and
- (b) The power of the Gambling Commission to limit the duration of such Operating Licences.

5.3 The Commission has yet to produce its statements following the consultation.

5.4 The second consultation is on the Gambling Commission's draft guidance which will be issued in accordance with the requirements of Section 25 of the Act to provide guidance to local Licensing Authorities and others. The consultation here was along the lines of general questions or comments and consultation closed on 17 March 2006.

5.5 The guidance is addressed to the gambling industry, local authorities, the Police and other statutory bodies. The draft guidance document issued was far from complete. The Gambling Commission has stated that at least two further consultations on the guidance will need to be issued. The consultation that has just closed was on the principles behind the need for guidance. For example, the Gambling Commission will take into account recommendations from gambling charities, but it will not act as a gambling charity.

5.6 The Gambling Commission has very recently issued another 120-page consultation document on Licence Conditions and Codes of Practice. This document is primarily aimed at the Gambling Industry but contains much of the language that will be used throughout the Licensing regime. It suggests possible types of conditions.

5.7 In addition, the Commission has very recently issued a consultation document on Small Lotteries. Officers understand that there will be several very detailed consultations similar to this on discrete areas over the next few weeks.

6. **DEPARTMENT OF CULTURE, MEDIA AND SPORT (DCMS)**

6.1 In addition to the consultation issued by the Gambling Commission there are further consultations being undertaken by the Department of Culture, Media and Sport.

6.2 As with the Licensing Act there is a legal requirement for Authorities to prepare and publish, in advance, a Policy Statement. Regulations, which are yet to be published, will impose minimum statutory requirements on all Licensing Authorities in the preparation, review, revision and publication of the Statement. In addition, Licensing Authorities will have to have regard to the final complete guidance issued by the Gambling Commission and referred to in paragraph 5.4 above.

6.3 There will need to be a public consultation exercise on the Licensing Authority's proposed Licensing Policy Statement. A suggested timetable for preparation through to adoption of the Statement will be available to Members at the meeting.

- 6.5 The DCMS has also issued the Gambling Act 2005 Transitional Arrangements consultation. This closes on 3 June 2006.

These transitional arrangements cover new and existing operators and the actions they need to take to ensure their licences continue or are granted. Implementation plans are being prepared by Licensing Authorities for the period from now until full implementation in September 2007. These cover the detailed procedural steps for applicants and Authorities to ensure most existing permits/licences can continue.

7. **BACKGROUND PAPERS REFERRED TO:**

None.

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