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## GAMBLING ACT 2005 – DELEGATION OF LICENSING AUTHORITY FUNCTIONS

### 1.0 Matter for consideration

- 1.1 The Committee to consider the delegation of the Licensing Authority's functions under the Gambling Act 2005.

### 2.0 Recommendation(s)

- 2.1 That the Licensing Panels comprising of 3 Members, constituted under the Licensing Act 2003 be authorised to undertake hearings in accordance with Article 8.02 of the Council's Constitution, the Gambling Act 2005 and consequent regulations.
- 2.2 That the Head of Legal and Democratic Services determine the makeup of the Panels (not to be politically balanced) with Members as far as practically possible serving in rotation.
- 2.3 That each Panel select a Chairman at the beginning of each meeting.
- 2.4 That the Head of Legal and Democratic Services identify a standby Member for each Panel meeting to cover for illness, Members who have interests etc.
- 2.5 That in line with the operation of the Panels under the Licensing Act 2003, an equal maximum amount of time be set by each Panel at the beginning of each different hearing, for a party to address the Panel, give any further information or call any witnesses for the hearing.
- 2.6 That the Gambling Act 2005 functions be delegated to Licensing Panels and the Head of Legal and Democratic Services as set out in Appendix 5a
- 2.7 That the Head of Legal and Democratic Services be authorised to amend the Constitution as appropriate.

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### 3.0 Information

- 3.1 The Gambling Act 2005 received Royal Assent on 7 April 2005 and comes into force on the 1<sup>st</sup> September 2007.
- 3.2 The Act sets up a new regulatory body called the Gambling Commission that will also be responsible for the issuing of Personal and Operator Licences.
- 3.3 The Act also provides the following additional responsibilities for Licensing Authorities:
- Premises Licences for gambling activities: casinos, betting shops, bingo halls, adult

entertainment centres, family entertainment centres and tracks.

- Regulating gaming and gaming machines in alcohol-licensed premises.
- Granting permits for gaming and gaming machines in clubs.
  
- Granting permits to family entertainment centres for the use of certain lower stake gaming machines.
- Granting permits for prize gaming.
- Considering notices given for the temporary use of premises for gaming.
- Considering occasional use notices for betting at tracks.
- Registering small societies' lotteries

3.4 Section 154 of the Gambling Act 2005 automatically delegates the Licensing Authority's functions to the Licensing Committee established under section 6 of the Licensing Act 2003.

3.5 As with the Licensing Act 2003, Licensing Panels should consist of three Councillors who sit to hear applications where representations have been received. The Panels have to be drawn from the fifteen Councillors on the Licensing Committee.

3.6 A set of functions identified in the report to Council is set out at Appendix 5a. This Committee is now required to formally delegate powers to officers and Licensing Panels to consider and determine applications.

#### **4.0 Financial considerations**

4.1 None.

#### **5.0 Legal considerations**

5.1 As set out in 3.1 to 3.5 above.

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#### **Relevant officer:**

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#### **Appendices attached:**

Appendix 5a: Delegation of Functions

#### **Background papers:**

None

#### **Websites and e-mail links for further information:**

[www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)  
[www.culture.gov.uk](http://www.culture.gov.uk)

**Glossary:**

N/A

## Appendix 5a – Delegation of Functions

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Licensing Panels</b>	<b>Officer delegation The Head of Legal and Democratic Services</b>
Three year licensing policy	All cases		
Policy not to permit casinos	All cases		
Application for a premises licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for 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 have been 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 premises licence		All cases	
Application for club gaming/club machine permits		Where objections have been made and not withdrawn	Where no objections have been made/objections have been withdrawn
Cancellation of club gaming/club machine permits		All cases	
Applications for other permits			All cases
Cancellation of licensed premises gaming machine permits			All cases
Consideration of a temporary use notice			All cases
Decision to give a counter notice to a temporary use notice		All cases	