

LICENSING COMMITTEE AGENDA



Wednesday 19th April 2006

at 10.00 am

in Committee Room "B"

MEMBERS: LICENSING COMMITTEE:

Councillors Cambridge, Cook, Flintoff, Griffin, Hall, Jackson, Kaiser, Lilley, Morris, Rayner, Richardson, Rogan, Tumilty, Wallace and Worthy

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

- 3.1 To confirm the Licensing Committee minutes of the meeting of 12th April 2006
(*to follow*).

4. ITEMS REQUIRING DECISION

- 4.1 Gambling Act 2005 – Head of Public Protection and Housing

5. ITEMS FOR INFORMATION

None.

6. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

EXEMPT ITEMS

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985”.

6. ITEMS REQUIRING DECISION

None.

7. ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

Report of: Head of Public Protection and Housing

Subject: GAMBLING ACT 2005

1. PURPOSE OF REPORT

- 1.1 To advise Members of the forthcoming implementation of the Gambling Act 2005 and to provide a brief summary of the Council's roles and responsibilities for its implementation and administration.
- 1.2 To provide Members with an opportunity to respond to a consultation exercise being conducted by the Gambling Commission.

2. BACKGROUND

- 2.1 The Gambling Act became law on 7th April 2005. Its purpose is to update and consolidate outdated legislation that controls gambling activities such as bingo, lotteries, slot machines, sports betting and casinos. The new law also addresses recent advances in gambling technology such as internet betting.
- 2.2 The Act is expected to take full effect on 31st January 2007 although much of the detail about its implementation, which will be contained in Regulations, has not yet been published.
- 2.3 The Act introduces a licensing framework for gambling activities, similar in many ways to the Licensing Act 2003. Licences will be required for gambling operators, premises being used for gambling activities and certain personnel responsible for overseeing gambling activities.
- 2.4 Unlike the Licensing Act however, local authorities will only be responsible for issuing premises licences. The newly established Gambling Commission will take responsibility for personal licences and operators.
- 2.5 There are five types of premises licence and a number of permits for additional activities. Premises licences will apply to: -
 - Casino premises
 - Bingo premises
 - Betting premises, including tracks and premises used by betting intermediaries
 - Adult gaming centres (for category B, C and D machines) and
 - Family Entertainment Centres (for category C and D machines)
- 2.6 Additional permits will be required for the following purposes: -

- Occasional use notices or football pools authorisations
 - Temporary use notices
 - Permits for family entertainment centres
 - Authorisations for alcohol licensed premises
 - Clubs and Miner's Welfare Institutes and Travelling Fairs
 - Permissions for prize gaming
 - Authorisations for private and non-commercial gaming and betting
- 2.5 As with the Licensing Act 2003, there are a number of licensing objectives that form the cornerstone of the new Act. The objectives are: -
- Preventing gambling being a source of, associated with, or supporting crime and disorder
 - Ensuring gambling is conducted in a fair and open manner
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 2.6 Applications for premises licences will be made to the local authority which must grant the application unless representations are received from either Responsible Authorities or Interested Parties.
- 2.7 Responsible Authorities are described in the Act as: -
- The licensing authority
 - The Gambling Commission
 - The Police
 - The Fire Authority
 - The local planning authority
 - Environmental Health
 - A body designated as competent for matters related to the protection of children from harm
 - HM Revenue & Customs
 - In relation to a vessel, a navigation authority, the Environment Agency, the British Waterways Board or the Secretary of State.
- 2.8 Interested Parties are individuals or businesses located sufficiently close to premises so as to be directly affected by its activities.
- 2.9 In the event that a representation is received a hearing must be held before Members of a duly appointed sub-committee.
- 2.10 Once granted, licences may be reviewed following an application to the licensing authority from either Responsible Authorities or Interested Parties. The Gambling Act permits the licensing authority itself to initiate a review if, for example, it has particular concerns relating to the premises or has received complaints.
- 2.11 As the result of a review of a licence, a licensing authority may: -

- Revoke the licence;
- Suspend the licence for a specified time; or
- Exclude, add or amend a condition attached to the licence

2.12 Local Authorities will also be required to publish a licensing policy detailing the principles that it proposes to apply when exercising its functions under the Act. This policy must be reviewed every three years although it can be reviewed more frequently if considered necessary. The licensing policy must be approved by full Council.

2.13 The Government is proposing to issue guidance on policy statements for Local Authorities in May 2006. Authorities will then be under an obligation to draft their policy and undertake consultation with a view to publishing final policies no later than 31st January 2007.

2.14 The local government organisation LACORS has indicated that it will be providing a model licensing policy for local authorities following the publication of Government guidance. It is proposed that a further report be prepared for Members following the publication of this model policy.

2.15 Consultation

2.16 The Gambling Commission have issued a consultation document relating to licence conditions and codes of practice. A copy of this consultation document has been forwarded to all members of the Licensing Committee for consideration.

2.17 The purpose of this document is to obtain views on the approach to be taken by the Gambling Commission when carrying out its functions i.e. licensing of individuals and operators. The proposals do not relate to those functions that will be the responsibility of the Hartlepool Borough Council i.e. premises licences.

2.18 Guidance for local authorities is expected to be made available by the Secretary of State before the Summer.

3. **ISSUES FOR CONSIDERATION**

3.1 Hartlepool Borough Council will assume responsibility for the licensing of gambling premises in September 2007. Prior to this a licensing policy must be drafted and published.

3.2 Although guidance is awaited from the Secretary of State to assist in the preparation of a gambling policy, the Act lays down a number of principles that may be of interest to Members: -

- 'Need' is not a matter that can be taken into account when giving consideration to a premises licence application.
 - The Act specifically states that planning and licensing are separate matters and that planning permission should not be taken into account when giving consideration to a licence application.
 - The licensing policy may stipulate areas of the town that are considered unsuitable for gambling activities if such activities would have a detrimental impact on the three licensing objectives. However, as with the Licensing Act 2003, no policy can be absolute on such matters and every application must be considered on its own merits.
 - The policy can however include a resolution from the Council that casino licences will not be issued.
- 3.3 Fees for licences can be set by the Secretary of State but the Regulations may allow for local authorities to set their own fees, subject to limits.
- 3.4 Implementation of the new Act will undoubtedly have an impact on Council resources including officer and Member time, although it is not anticipated that the impact will be as great as that experienced during the implementation of the Licensing Act. Lessons learned during the implementation of the Licensing Act should also allow for a more effective and efficient management of applications and hearings.
- 3.5 Actual projections of workload are difficult to estimate as historically the Gaming Board was able to consider 'need' as part of their licensing process. As 'need' will no longer be a consideration it is felt by some members of the industry that many applications for new gambling premises may be submitted.
- 3.6 Whether that will actually be the case in Hartlepool is a matter of speculation but Members are reminded that licence decisions cannot be based upon either planning considerations or whether it is felt that Hartlepool 'needs' more betting establishments.
- 3.7 As Members will be required to make licensing decisions, and due to the complexity of some aspects of the gambling industry, it is expected that some Member training will be required.
- 3.8 Licence applications may be made to the Council after 1st February 2007, with hearings to consider contentious applications expected to begin in March 2007. However, if the problems associated with the Licensing Act are repeated and applicants delay making applications, it is possible that the majority of business will be received over the late summer months of 2007.

4. RECOMMENDATIONS

- 4.1 That Members note the contents of this report.
- 4.2 That Members consider the Gambling Commission's consultation document.