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<b>REPORT TO:</b>	<b>FULL COUNCIL</b>	<b>AGENDA ITEM: 15</b>
<b>DATE OF MEETING:</b>	<b>9<sup>th</sup> NOVEMBER 2006</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>HEAD OF ENVIRONMENTAL SERVICES</b>	<b>OPENPARAGRAPH NO:</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>Carl Jacobs 595717</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>Licensing Policy (Gambling Statement of Principles) and authorisation of Officers</b>	<b>REF: c:\myfiles\com\ES\ Gambling Policy</b>
<b>WARD(S) AFFECTED:</b>	<b>All</b>	<b>TERMS OF REFERENCE:</b>

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## **1.0 Recommendations**

- 1.1 That Council approves the South Derbyshire District Council Licensing Policy (Gambling) and Statement of Principles, and that the Council additionally approves that minor amendments to the Policy are undertaken with the delegated approval of the Director of Community Services.
- 1.2 The Council discharges/ delegates its function in relation to the Licensing Activities to the Licensing Appeals Committee in accordance with Section 154 of the Gambling Act 2005 (2005 Act) with the exception of the 2 items, indicated below, that must remain with the Full Council. The delegations are indicated in the Licensing Policy (Gambling) and Statement of Principles Annex 1 Appendix 3.
  1. The Licensing Policy and Statement of Principles is required by Section 349 of the 2005 Act to be reviewed every 3 years or prior to that date if required by this Authority and brought to Full Council for approval.
  2. The passing of a resolution to under Section 166 not to issue any casino licences in its area and if once approved brought back to Full Council every 3 years for further approval.
- 1.3 Council confirms that it does not wish to pass a No Casino resolution under Section 166 of the 2005 Act, but is aware it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of the resolution. The Full Council will make any such decision.
- 1.4 That Council delegates the Authorisation of all licensable applications that are not subject to a substantiated appeal against the application for a premise licence to the following officers Director of Community Services, Head of Environmental Services, Commercial Standards and Licensing Manager,

- 1.5 Delegated Authority be approved to authorise the institution of legal proceedings in regard to offences under the 2005 Act to the Director of Community Services, Head of Environmental Services, Commercial Standards and Licensing Manager with consultation with Legal Services.
- 1.6 That the Council Authorises Environmental Health Officers, Licensing Enforcement Officers be designated "Authorised Persons" in accordance with the 2005 Act. Subsequent authorisation of officers is delegated to Director of Community Services or Head of Environmental Services via an authorisation document.

## **2.0 Purpose of Report**

- 2.1 To adopt the Licensing Policy (Gambling) and Statement of Principles
- 2.2 To confirm the position in regard to Casino's
- 2.2 Put in place authorisations for officers to ensure the Licensing Regime is adhered to
- 2.3 To set up suitable delegated authorisation to ensure the smooth operation of the Licensing Function

## **3.1 Detail**

- 3.1 The purpose of the Gambling Act 2005 is to update and consolidate existing legislation controlling gambling activities. Much of the detail about its implementation will be contained in Regulations, most of which have yet to be issued.
- 3.2 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 used for gambling activities and for individuals and companies who intend to provide facilities for certain types of gambling. Local Authorities will only be responsible for issuing premises licences, but not personal licences. The other types of licence will be issued by the newly created Gambling Commission.
- 3.3 The 2005 Act requires that a Licensing Authority produces and consults upon their Statement of Licensing Policy, which must be approved by Full Council. The consultation took place between 5<sup>th</sup> July 2006 and 29<sup>th</sup> September 2006 and all comments have been considered and where appropriate incorporated in to the policy statement. The changes made to the Policy have been **bolded** in the draft policy attached so that members can readily see them.
- 3.4 The Act allows Local Authorities the power to make a resolution which restricts the introduction of Casino's within their area, but this resolution must be approved by the Full Council and be reviewed by the Full Council every 3 years. However at present the Secretary of State is presently looking at the provision and distribution of new Casino's within the UK, these will be constructed at various sites in the UK and will include 1 Regional, 8 large and 8 small Casino's to be developed in the UK. This number of Casino's may be amended in the future by the Secretary of State. If an application was received for a Casino it would first have to be ratified by the Secretary of State, and Gambling Commission and then an application would need to be viewed by the Licensing Appeals Sub Committee, if a representation was put forward.

- 3.5 We have sought delegated authority to ensure that minor changes to the policy such as spelling mistakes or changes that do not affect the substance of the Policy can be authorised by the Director of Community Services without reference to the Full Council.
- 3.6 The Statement of Licensing Policy has to be approved prior to any licensing application being considered. The first date when application can be received by the Licensing Section will be 30<sup>th</sup> April 2007, but the Department of Culture, Media and Sport (DCMS) have stated that all policies must be in place and published by 3<sup>rd</sup> January 2007, with the first appointed day being the 31<sup>st</sup> January 2007.
- 3.7 The 2005 Act is a new piece of legislation and therefore requires Licensing Authorities to authorise offices of the Council to enter premises under the Act to ensure that the licensing conditions are being upheld.
- 3.8 In order to streamline the licensing procedure the DCMS have recommended that Officers have delegated authority to approve all licence applications, which are not subject to any objections (relevant representations in the Act.). In accordance with previous Schemes of Delegation the following officers are suggested to authorise non controversial applications, Director of Community Services, Head of Environmental Services, Commercial Standards and Licensing Manager, Pollution Control Manager, Private Sector Housing Manager. In general terms this is the signing of the Premise Licences, temporary events notices and application Amusement With Prizes machines (Slot Machines).
- 3.9 Delegated authorisation to instigate prosecutions for contraventions of the 2005 Act is sought again in line with the Scheme of Delegations. It is not envisaged that there will be many prosecutions under this legislation as most prosecutions will be undertaken by the Gambling Commission under various pieces of legislation. Most offences of the premise licence conditions will more likely result in the review of the premise licence by the Licensing Appeals Sub Committee.
- 3.10 The new Act also prevents any further applications under the existing law for the grant or renewal of a permit authorising gaming machines in chips shops, taxi offices and similar premises. As such all premises have been informed that there present licence will not be renewed on its expiry.

#### **4.0 Financial Implications**

- 4.1 The licensing fee may be determined by the Licensing Authority but regulations may specify constraints on the Authority. The 2005 Act also specifies that Authorities shall aim to ensure that income equates to the cost of providing the service. We await guidance and regulations in regard to this from the DCMS.

#### **5.0 Corporate Implications**

- 5.1 None

#### **6.0 Community Implications**

- 6.1 The modernisation of the legislation aims to provide the necessary protection of local residents, children and other vulnerable groups whose lives might be blighted by disturbance and anti-social behaviour and criminal activity associated with the gambling activities and establishments.

- 6.2 The legislation additionally aims to give business greater freedom and flexibility and encourage more family friendly premises and further develop the rich culture of live music, theatre and dancing both in rural areas and towns.

## **7.0 Background Papers**

- 7.1 Annex 1 - South Derbyshire District Council Statement of Licensing Policy