

Licensing Committee – 9th October 2007

5. Gambling Act 2005 Update

Executive Portfolio Holder: Ric Pallister, Housing, Environmental Health & Inclusion
Head of Service: Laurence Willis, Head of Service Environmental Health and Community Protection
Lead Officer: Julia Bradburn, Principal Licensing Officer
Contact Details: julia.bradburn @southsomerset.gov.uk or (01935) 462113

Purpose of the Report

To update members on the progress of the Gambling Act 2005.

Recommendation

That Members note the report

Background

The Gambling Act came into force on 1st September 2005. It repealed the Betting, Gaming and Lotteries Act 1963, the Gaming Act 1968 and the Lotteries and Amusements Act 1976. At the same time the responsibility for granting gaming and betting permissions was passed from the Magistrates' Court to Local Authorities.

The Act covers a wide spread of gambling activities on various premises from casinos, betting shops and tracks through to public houses and clubs to non-commercial premises.

The licensing service now has responsibility for issuing, monitoring and enforcing premises licences and a large range of permits including gaming, gaming machines, adult gaming centres, family entertainment centres and prize gaming. It can also issue temporary gambling permission and register non-commercial premises for society lotteries.

Action taken during the lead-in period

To ensure a high level of awareness about the effects of the new legislation, a mail shot was sent out to all licensed premises and registered societies inviting them to attend a choice of seminars across the District area. The seminars were split into two categories – public houses and clubs, and community premises; a choice of 3 dates was offered for each seminar type to help facilitate attendance.

The seminars were conducted by power-point presentation and focussed on explaining the legal position and how individual premises may be affected. The administrative process for applying for the required activity was also covered. Opportunities for questions were given during the presentation and at the conclusion. The material covered was tailored for each type of organisation. Copies of the slides were also given to attendees in order that they could write notes for future reference if they wished.

The number of attendees was approximately 20 per seminar, with lower demand than the seminars for the Licensing Act 2003, which had approximately 40. Although it was expected that demand would be less because fewer licenses are required, a further reason for the lower level of uptake was that the companies supplying gaming machines

were also providing assistance to licensed premises; further with regard to premise licence applications, only betting shops, amusement arcades and tracks require this type of licence and these were mainly submitted by the applicants solicitors. Finally, it is now not necessary for licensed premises to have a permit if they have two or less gaming machines, this process is now dealt with by a simple notification.

To date we have received 32 applications for premises licences and 4 applications for permits.

The main problems that we have experienced are that the prescribed application forms were not available for permits and small societies on the 1st September from the Department of Culture Media and Sport and in some cases this still continues with some forms. It appears that most of the attention has been focused on premises licences, for which in rural areas, does not consist of the bulk of the work under this legislation.

Local authorities are also required to produce a considerable number of their own forms instead of them being prescribed. No guidance is given on how to do this, and clearly we have to make sure that they are legally correct.

Due to the above-mentioned problems, we have had to purchase an additional set of forms from the legal publishers 'Shaws' at an introductory cost of £470. This will rise to £600 annually.

Our main concerns about the new Act are that people are either not aware of the new gambling restrictions, or may be tempted not to comply due to enforcement difficulties; for example it will be difficult for an officer to enforce the circumstances, whereby exempt gaming is permitted on commercial premises subject to strict financial criteria. Evidence gathering will be a very difficult on going process necessitating numerous visits to both licensed and unlicensed premises.

Financial Implications

It is anticipated that licence fees will cover administration costs. It is unlikely that they will also cover enforcement, and this will need to be reviewed once the new legislation has become embedded.

Implications for Corporate Priorities

Corporate Aim 4: to ensure, safe sustainable and cohesive communities.

Other Implications

None

Background Papers: *The Gambling Act 2005*
