

Licensing Committee – 5<sup>th</sup> August 2008

## 5. Report on Gambling Act Delegation

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### Purpose of the Report

To inform members that a new scheme of delegation for the Gambling Act 2005 is required in order that powers can be delegated to Members and Officers.

### Recommendation

To recommend the adoption of the interim scheme of delegation before it is submitted to the District Executive to be included in the Council's Scheme of Delegation for 2009.

### Background

The Gambling Commission in their guidance to Local Authorities<sup>1</sup> recommended the current scheme of delegation for the Gambling Act, which has been adopted by the Council; however, in practice, the Licensing team have found that this scheme is incomplete and therefore we are currently unable to carry certain functions under the Act.

### Report Detail

Huntingdon District Council has produced a more extensive scheme of delegation, which has been amended in accordance with the guidance of SSDC assistant solicitor, Mrs Watson to comply with a similar type of delegation authority to that of Licensing Act 2003. The suggested scheme of delegation can be found below at Table 1 and a comparison can be made with the current scheme of delegation, which can be found below at Table 2.

The types of functions that are unable to be carried out at present include the following:

### Licensing Committee/Licensing Sub-Committee

- The power for the committee to make a decision to remove certain entitlements to carry out gambling at specific problem premises.
- To refuse to grant or renew an application for a prize gaming permit.

### Officers

- To cancel premises licences and permits should payment not be made in accordance with the Gambling Act 2005.
- To determine whether representations are frivolous, vexatious or would certainly not influence a sub-committee decision
- To determine whether a licence or permit has lapsed

<sup>1</sup> Gambling Commission. *Guidance to Licensing Authorities*. 2<sup>nd</sup> edition. Published June 2007

- To issue a counter-notice where the number of permitted days are exceeded
- To object to a Temporary Use Notice
- To administer all aspects of small lottery registrations and revocation

**TABLE 1 - SUGGESTED SCHEME OF DELEGATIONS OF LICENSING FUNCTIONS**

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate		X	
Application for premises licences		Where representations have been received and not withdrawn, including attachment of conditions to Premises Licence or exclusion of default conditions	Where no representations received/ representations have been withdrawn  Determination as to whether representation is vexatious, frivolous, or would certainly not influence the authority's determination of application
Application for a 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 and not withdrawn	Where no representations received from the Commission or have been withdrawn
Revocation of premises licence for failure to pay annual fee			X
Determination that a premises licence has lapsed			X
Reinstatement of lapsed premises licence		Where representations have been made and not withdrawn	Reinstatement of lapsed premises licence when no representations have been made or has been withdrawn
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn  Decision to disregard representations made in respect of application for premises licence after issue of provisional statement

Review of a premises licence		Action following review of premises licence	Rejection of application for review of premises licence on various grounds  Initiation of review of premises licence  Determination that representation about a review of a premises licence, is frivolous, vexatious or would certainly not influence the authority's determination of application
Temporary Use Notices		Decision to issue a counter notice to a temporary use notice	Issue of counter-notice to Temporary Use Notice where number of permitted days are exceeded  Objection to Temporary Use Notices
Making of an Order to remove the entitlement to exempt equal chance gaming from specific holders of an on-premises alcohol licence		X	
Making of an Order to remove the automatic entitlement of up to two gaming machines from specific holders of an on-premises alcohol licence		X	
Institution of criminal proceedings in respect to an offence under the provisions of the Act			The Head of Environmental Health and Community Protection only
Licensed Premises Gaming Machine Permit		Refusal of application or limitation on number of machines granted Cancellation of Licensed Premises Gaming Machine Permit or variation of number or category of machines in respect of which representations received (and not withdrawn).	Determination of application for grant, variation or transfer of permit Cancellation of Licensing Premises Gaming Machine Permit and variation of number or category of machine where no representation is received or has been withdrawn Cancellation of Licensed Premises Gaming Machine Permit for failure to pay annual fee
Determination of applications for Club Gaming Machine permits and/or Club Gaming Permits or their renewal		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Determination of application for		Where representations have been received and not	Where no representations received/ representations

variation of permit Cancellation of club gaming / club machine permits		withdrawn  For offence or breach of condition of permit; or premises are used mainly by children or young persons	have been withdrawn  For failure to pay annual fee
Family Entertainment Centre Gaming Machine Permit			Determination of application. The Head (or deputy in their absence) of Environmental Health and Community Protection only  Notification of lapse of Family Entertainment Centre Gaming Permit
Prize Gaming Permits		Refusal of application to grant or renew an application for a permit	Determination to grant application for permit and application to renew  Determination that permit has lapsed
Small Society Lotteries			Registration for society for small society lottery  Refusal of application for registration of society for small society lottery Revocation of registration of society for small society lottery  Cancellation of registration of small society lottery for non-payment of annual fee
Small Society Lotteries			

**TABLE 2 - CURRENT TABLE OF DELEGATIONS OF LICENSING FUNCTIONS**

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>SUB-COMMITTEE</b>	<b>OFFICERS</b>
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate		X	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a 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 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 a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

**Financial Implications**

None.

**Implications for Corporate Priorities**

Corporate Aim No 3 - To improve the health and well-being of our citizens  
 Corporate Aim No 4 - To ensure safe and sustainable cohesive communities

**Other Implications**

None

**Background Papers:** *Gambling Act 2005*