

**TO: LICENSING AND SAFETY COMMITTEE
11 OCTOBER 2012**

**GAMBLING ACT 2005 DELEGATIONS
Director of Environment, Culture and Communities**

1 PURPOSE OF REPORT

- 1.1 This report seeks approval from the Committee for the attached delegations under the Gambling Act 2005.

2 RECOMMENDATIONS

- i. **That the list of delegations attached as Annex A is approved by the Committee and effective from 12 October 2012,**
- ii. **That the Committee requests that the Scheme of Delegation to Officers in Table 2 section 6 of the Council's Constitution be amended accordingly.**

3 REASONS FOR RECOMMENDATION(S)

- 3.1 A review of the delegated functions under the Gambling Act showed that a large number remain within the delegated responsibility of the Committee. These were not considered when the original delegations were brought to the Committee in March 2006, and these have now been considered with a recommendation for a level of delegation.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 These functions could remain solely the delegated role of the Committee. However, should the functions be required to be exercised it would in the view of officers be a time consuming and expensive exercise to use the Committee rather than a Sub-Committee, officers or a combination.

5 SUPPORTING INFORMATION

- 5.1 All Local Authority functions under the Gambling Act 2005 are delegated to the Licensing and Safety Committee by virtue of Section 154. The exceptions to this delegation are those of policy in matters such as Statement of Gambling Principles, and Casino's which are matters for the Council.
- 5.2 In March 2006 a report was brought to this Committee and a number of delegated functions were agreed. These were based upon guidance issued under the Act by The Gambling Commission. Since that report it has become clear that a number of other functions could have been further delegated beyond the Committee and in addition new functions have been added.
- 5.3 Functions and powers under any act must for effective delivery and efficiency be operated at the appropriate level within an organisation. In doing so consideration should be made of the impact and risk associated with that function alongside the nature and process within local decision making. In drawing up the proposed scheme of delegation attached as Annex A, officers have considered risk factors and the need for member input and balanced this against a need for a speedy process so

Unrestricted

as to not unnecessarily delay for a business the issue, suspension or revocation of licences or permits.

- 5.4 Annex A sets out a proposal for the delegation of functions under the Act. Some of these functions will be dealt with by a Licensing Sub Committee in a similar way to those under the Licensing Act 2003. Others will be delegated to the Director of Environmental Culture and Communities and in some the Director or his representative are required to consult with the Chairman or Vice Chairman of the Licensing Committee. The Chair or Vice Chair can, if they feel it appropriate, require the matter to go to the Licensing Sub Committee for decision, or they may support the Director's recommended action.
- 5.5 Where the function has been delegated to the Sub Committee this is because either relevant representation has been received but not withdrawn in relation to an application, or there is a need to have a hearing in respect of exempt gaming provisions within premises licensed for the sale of alcohol.
- 5.6 The delegations to officers are generally where no representations are received, where there is a need to act quickly to stop or prevent a temporary event taking place, or administrative in nature such as revocation of a licence or cancellation of a permit where the annual fee has not been paid.
- 5.7 Those delegations which require consultation with the Chairman or Vice Chairman of the Committee can involve the refusal or revocation of a licence, permit or registration. In making such decisions, certain facts must be determined and the holder or applicant must be given an opportunity to make representations. It is felt that member input in consideration of the determined facts and representation would be helpful to the process.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 Under the Council's constitution, Gambling Act functions are functions of the Licensing and Safety Committee. It is open to the Committee to delegate both the day to day decisions and unopposed decisions to the Director of Environment and Culture as an officer of the Council.

Nearly every decision that the Local Authority takes in relation to the functions under the Gambling Act are appealable to the Magistrates Court within 21 days of the date of the decision.

Borough Treasurer

- 6.2 There are no significant financial implications arising from the recommendation(s) in this report.

Equalities Impact Assessment

- 6.3 There are no equality issues to consider.

Strategic Risk Management Issues

- 6.4 There are no strategic risk management issues.

7 CONSULTATION

Principal Groups Consulted

7.1 None.

Method of Consultation

7.2 None.

Representations Received

7.3 None.

Background Papers

Gambling Act 2005

Contact for further information

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