

WALSALL METROPOLITAN BOROUGH COUNCIL

REPORT OF THE HEAD OF DEMOCRATIC SERVICES TO

LICENSING AND SAFETY COMMITTEE

08.06.05

UPDATE FOR MEMBERS ON THE GAMBLING ACT 2005

1.0 Purpose of Report

- 1.1 The purpose of the report is to update the Committee on the progress of the Gambling Act 2005, and to bring the proposed training day to the attention of the Committee.

2.0 Recommendations

- 2.1 The Committee is asked to note the report.

3.0 Legal Implications

- 3.1 The Gambling Act 2005 provides that decisions about the issue of licences for gaming premises will be taken by the same licensing committee that deals with the Licensing Act 2003.
- 3.2 The current Gaming Board will be expanded into a Gambling Commission and given responsibility for regulating most forms of gambling (except spread betting and the National Lottery).
- 3.3 The Gambling Commission will be responsible for licensing operators, but not premises.
- 3.4 Section 166 of the Act gives the Local Authority the power to pass a resolution not to issue any casino premises licences. Such resolutions are effective for three years, after which they may be renewed, or they may be revoked at any time.

4.0 Financial Implications

- 4.1 The Secretary of State will set the fees centrally. The fees will fully cover all the costs of the Local Authority, in implementing the new licensing regime, including consulting on and establishing the 'statement of policy' which the Local Authority is required to produce every three years, following guidelines laid down by the Gambling Commission.
- 4.2 It is proposed that the top twenty five performing councils will be able to set their fees themselves (up to a set maximum).
- 4.3 There are reserve powers allowing the Secretary of State to raise a levy on licensees for the research into the social consequences of gambling, in particular problem gambling. This money would be paid to, and controlled by, the Gambling Commission.

5.0 Equal Opportunities Implications

- 5.1 None.

6.0 Environmental Impact

- 6.1 None.

7.0 Other Policy Implications

- 7.1 None.

8.0 Background

- 8.1 The Gambling Act 2005 received Royal Assent on 7 April 2005. It puts in place a comprehensive new framework for the regulation of gambling. Gambling is defined as 'playing a game of chance for a prize'. The Act has the following stated objectives:
- Protecting children and other vulnerable people from being harmed or exploited by gambling
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
- 8.2 The Act places a duty on the Local Authority to determine its statement of policy with respect to the exercise of its functions, and publish that policy before it starts the exercise of those functions. The Gambling Commission will produce a 'Statement of Principles for licensing and regulation', codes of practice and guidance for Local Authorities.

8.3 The Local Authority must keep a publicly available register of licences issued. They will be jointly responsible with the Gambling Commission for inspection and monitoring of licensed premises.

9.0 Key points of the Act

9.1 The government agreed to reduce the number of large 'regional' casinos initially permitted within the UK to one, in order to get the legislation through both houses of parliament. There will be eight 'large' and eight 'small' casinos.

9.2 The Secretary of State will define, in regulations, four classes of gaming machine, categories A to D. The categorisation will be based on:

- The maximum amounts that can be paid to use the machine
- The value or nature of the prize delivered as a result of its use
- The nature of the gambling for which the prize is used
- The types of premises on which it can be used

9.3 It will be possible for the first time for remote gambling providers to be licensed in the UK. Operators will be licensed by the Gambling Commission in the same way as ordinary operators. Where the operation is run wholly overseas there will be no UK licence.

9.4 There will be no statutory limits on the level of stakes and prize in bingo games, nor any restriction on the frequency of multiple games.

9.5 Anyone operating a commercial lottery will require an operator's licence from the Gambling Commission. Most small non-commercial lotteries, as run within workplaces, private clubs etc. will be exempt.

9.6 An Appeals Tribunal will be set up to hear appeals against licensing decisions made by any licensing authority, including the Gambling Commission.

10.0 Proposed Timetable

10.1 Members are asked to note the proposed timetable for implementation:

- Guidance to be issued in draft form by June 2005, after consultation
- Gambling Commission to be established by October 2005
- Formal consultation and guidance approved by May or June 2006
- Statement of Policy produced by Local Authority by January 2007
- Operating licences to be issued by Gambling Commission before they can apply for premises licences
- First applications for premises licences expected February 2007

- 10.2 Members are asked to note that training on the above Act has been arranged to be delivered by an external trainer on Monday 20th June 2005 between 10.00am and 4.00pm, in Conference rooms 1 and 2.

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Background papers All published

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