

AGENDA ITEM NO. 4

REPORT TO: Regulatory Committee
DATE: 20th June 2005
REPORTING OFFICER: Chief Executive
SUBJECT: Gambling Act 2005
WARDS: Boroughwide

1.0 PURPOSE OF REPORT

1.1 The Gambling Act 2005 received Royal Assent on 7th April 2005. This report brings the Regulatory Committee up to date with the Act and its proposed implementation.

2.0 RECOMMENDATION:

2.1 That the Council Solicitor be asked to take the steps necessary to prepare for implementation of the Act and to update the Committee as necessary

3.0 SUPPORTING INFORMATION

3.1 The Gambling Act is similar in structure to the Licensing Act 2003. However, it is rather more detailed and covers a wider range of activities.

3.2 As with the Licensing Act much of the analysis of the regime must wait until regulations are produced. Unlike the Licensing Act, jurisdiction is divided between the Gambling Commission and local authorities.

3.3 The Gambling Act is underpinned by three licensing objectives. These are:

- 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; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

3.4 The Council will have to prepare a statement of licensing policy analogous to that prepared under the Licensing Act 2003 but all other functions under the Gambling Act must be undertaken by the Regulatory Committee.

3.5 Activities controlled by the Gambling Act

3.6 The Act introduces a range of licences, permits and registrations controlling various activities.

3.7 Gambling is defined as gaming, betting and participation in a lottery (the National Lottery is excluded from the controls in the Act). Remote gambling via remote communication (internet, telephones etc.) is also controlled. The principal method of control is not to control gambling as such but rather to control those providing facilities for gambling to take place.

3.8 Operating and personal licences

3.9 The Gambling Commission is responsible for issuing operating licences which authorise the licensee to:

- to operate a casino
- to provide facilities for playing bingo
- to provide facilities for betting other than pool betting
- to provide facilities for pool betting
- to act as a betting intermediary
- to licence make gaming machines available for use in an adult gaming centre
- to make gaming machines available for use in a family entertainment centre
- to manufacture, supply, install, adapt, maintain or repair a gaming machine, or a part of a gaming machine
- to manufacture, supply, install or adapt gambling
- to promote a lottery

3.10 In respect of each operating licence there must be at least one person who holds a personal licence issued by the Commission. Holding an operating licence is a pre-condition (where activities take place at specific premises) to obtaining a premises licence from the Council.

3.11 Premises licences

3.12 Premises licences are issued by local authorities. A premises licence is a licence which states that it authorises premises to be used for:

- the operation of a casino (a "casino premises licence"),
- the provision of facilities for the playing of bingo
- making gaming machines available for use in an adult gaming centre
- making gaming machines available for use in a family entertainment centre
- the provision of facilities for betting.

3.13 A premises licence will not be issued until to an applicant until he holds an operating licence.

3.14 Part 8 of the Gambling Act deals with applications for premises licences. The procedures are analogous to those in the Licensing Act 2003. In exercising its functions the Regulatory Committee must aim to permit the use of premises for gambling in so far as they think it: -

- In accordance with any code of practice;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the Council's statement of licensing policy.

3.15 Gaming Machines

3.16 Elaborate new provisions apply to gaming machines Gaming machines are divided into four categories. Different categories and numbers of gaming machines are allowed in different types of premises.

3.17 Premises with gaming machines are themselves divided into: adult gaming centre premises; family entertainment centre premises; clubs; licensed premises; and casinos.

3.18 The current rules allowing gaming machines in places like taxi offices and fish and chip shops are to be repealed.

3.19 In addition to gaming machines there is a series of controls on betting machines.

3.20 Lotteries

3.21 Lotteries are controlled through the Gambling Commission. However, small lotteries run by qualifying societies can be registered by the local authority. The system is analogous to that currently operated under the Lotteries and Amusements Act 1976.

3.22 Club gaming permits and club machine permits

3.23 Club gaming permits are issued by local authorities in respect of members' clubs or miners' welfare institutes. Club gaming permits authorise the provision of facilities for gaming of specified types but any gaming machines provided under such a permit must be authorised by a club machine permit. High turnover bingo played at clubs with club gaming permits must be backed up with a bingo operating licence from the Gambling Commission.

3.24 Gaming and gaming machines on licensed premises

3.25 Gaming on licensed premises will be exempt gaming provided that prescribed conditions are met. This represents a substantial departure from current rules. High turnover bingo is excluded from this exemption.

3.26 A licensed premises gaming machine permit is required for gaming machines on licensed premises although there will be an automatic entitlement to one or two gaming machines

3.27 Prize gaming

3.28 Gaming is prize gaming if neither the nature nor the size of a prize played for is determined by reference to the number of persons playing or the amount paid for or raised by the gaming. A prize gaming permit is required for providing facilities for prize gaming unless the facilities are provided at an adult gaming centre or a licensed family entertainment centre. If a bingo premises licence is in effect a prize gaming permit is not required.

3.29 Licensing matters repealed by the Gambling Act

3.30 The following licensing areas, historically administered by the Council, are repealed and replaced by the Gambling Act:

- Bingo permits
- Amusements with prizes
- Societies lotteries
- Gaming machines at arcades and non-liquor licensed premises

3.31 The following licensing areas, historically administered by the magistrates/Gaming Board, are repealed and replaced by the Gambling Act, and transferred to the Council:

- Gaming machines on liquor licensed premises
- Casino premises
- Bingo premises
- Betting premises

3.32 Impact on Council resources

3.33 The Council does not as yet have a list of premises currently licensed by the Halton Magistrates. At this time it is not possible to quantify the scale of the task to be undertaken but clearly it will result in a significant increase in the work of the licensing team (and potentially the Regulatory Committee).

3.34 It is not yet known when the new system introduced by the Gambling Act will come into effect but the third quarter of 2007 has been hinted at.

3.35 Impact on the Borough

3.36 Although the regime heralds a significant change from the current regime in terms of how gambling activities are licensed it is unlikely to make any significant change in terms of access to gambling for people in

the Borough. If anything the new regime appears slightly tighter in terms of control over things such as gaming machines in premises such as fast food outlets.