

Minutes of the Licensing Committee

10th June, 2005 at 9.30 a.m.
at the Sandwell Council House, Oldbury

Present: Councillor Rowley (Chair);
Councillors Allen, Burkitt, Dr Crumpton, Mrs Edis, Mrs Giles,
Hackett, R L Horton, Mrs Hughes, Mrs James, Mrs Macklin,
Sakhi and G Turton.

Apologies: Councillors Rouf and Tagger.

3/05

“Modernising Britian’s Gambling Laws” – Implications of the Gambling Act 2005 for the Local Authority (Licensing Authority)

The Committee considered a report on the “Modernising Britian’s Gambling Laws” – Implications of the Gambling Act 2005 for the Local Authority (Licensing Authority).

The Gambling Act 2005 placed the responsibility for licensing of gambling premises and the issuing of permits onto local authorities (Licensing Authority), with the associated responsibility of monitoring the operation of licences. It is envisaged that the Gambling Act 2005 will modernise the United Kingdom’s outdated gambling laws and provide legislation to deal with the rapid advancements in gambling technology and allow gambling to take its place as an acceptable leisure pursuit. Local Authorities will have to consult and agree a licensing policy every three years.

The objectives of the Act are:-

- Preventing gambling from being a source of crime and disorder or being associated with crime, disorder or used to support crime;
- Ensuring that gambling is conducted in a fair and open manner;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Gambling Act 2005 currently proposes that the Licensing

Committee, as created under the Licensing Act 2003, determines gambling premises licence applications. Similarly, a “responsible authority” or “interested party” may on application make a relevant representation (or later may request a review), following which the Licensing Committee may grant or reject the licence (or additionally vary or revoke in review). There would be right of appeal to the Magistrates court.

The Gambling Act 2005 would also create information gateways that will allow a Licensing Authority to obtain information relevant to an application from a number of “Responsible Authorities” namely, the Gambling Commission, Police, Fire, Planning, Environmental Health, Social Services (re children and vulnerable people) and Customs and Excise.

Members were informed that within the Borough there were approximately 500 premises that would be subject to the new gambling legislation. Members were also informed that the start up cost for the transition to the new regime would not be recoverable and no decision had been made to allocate additional resources to support start up costs; therefore no provision exists in the Council’s overall budget. The Act advises that fees will allow for cost recovery of the licensing processes and any associated monitoring and enforcement of conditions imposed by the authority.

Resolved that:-

- (1) the report on “Modernising Britian’s Gambling Laws” – Implications of the Gambling Act 2005 for the Local Authority (Licensing Authority) be noted;
- (2) that the Head of Environmental Health and Trading Standards submit a further report to the Licensing Committee and to the Cabinet Member for Neighbourhoods when the detail and implications of the Gambling Act 2005 and subsequent legislation and guidance are identified, and in particular the resource implications become apparent.

(The meeting ended at 9.50 a.m.)

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