

**CHILTERN DISTRICT COUNCIL
LICENSING AND REGULATION COMMITTEE (13TH FEBRUARY 2014)**

Background Papers, if any, are specified at the end of the Report

GAMBLING ACT 2005

Contact Officer: Ian Snudden 01494 732057

RECOMMENDATIONS

Members to note report for information.

Background

- 1 The Gambling Act 2005 (the "Act") introduced a licensing framework for gambling activities similar in many ways to the Licensing Act 2003. Any premise where gambling activities take place such as bingo halls, gaming arcades, betting shops, and pubs/clubs need to obtain permission prior to commencing the activities.
- 2 The Council is responsible for issuing premise licences, permits, and registrations, whilst, unlike the Licensing Act 2003, other types of licence covered by the Act, such as personal licences, and operator licences are issued by the Gambling Commission. Premises Licences for premises such as Betting Shops, and Adult Gaming Centres can only be issued once an Operator Licence from the Gambling Commission has been obtained. Providing all the relevant steps are fulfilled an application for a Premises Licence must be validated by the Licensing Authority.
- 3 When the Licensing Authority receives an application for a Premises Licence under the Gambling Act 2005 the documents can be viewed via the Public Access function on the Council's website. Members can register via the website to receive an automatic notification of all pending applications within their Ward.
- 4 In carrying out its functions under the Act the Council looks at a valid application, and considers it against the three licensing objectives (Preventing gambling being a source of or associated with crime and disorder; 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), and its own "Statement of Gambling Principles" in addition to any code of practice or guidance issued by the Gambling Commission. Where the application is considered not to uphold these items Officers may object to the application. In addition to the right of Officers to object, Responsible Authorities, Ward Members, and members of the public (subject to certain restrictions) may also object. Where this happens a hearing of the Licensing and Regulation Sub-Committee must be held. The Licensing and Regulation Sub-Committee may grant or refuse applications placed before them.
- 5 Unlike the Licensing Act 2003 and the Local Government (Miscellaneous Provisions) Act 1982 (which controls Sexual Entertainment Venues) it is not

possible to refuse applications due to the potential cumulative impact on an area, or because it would not be suitable due to the character of the area.

- 6 If a Premises Licence application is successful it will be granted subject to specific mandatory and default conditions. All licence holders must continue to comply with them, and any “Code of Practice” for their particular activity (if one exists) throughout the currency of their licence.
- 7 An example of a restriction placed on a Premises Licence is a Betting Shop may only provide up to 4 gaming machines. Another example is an Adult Gaming Centre may only have 20% of the total number of machines on the site able to pay out the larger jackpots.
- 8 The Act also provides the Council, Gambling Commission and Police with a number of inspection powers, and a large number of offence provisions to help them ensure that gambling activities are conducted in accordance with the Act.
- 9 The following table contains just a few of the many offences contained in the Act that the Council, Gambling Commission, or Police are authorised to enforce:

Section	Offence
37	Using premises, or permitting them to be used for betting, gaming etc without the necessary permission
46	Inviting, causing or permitting a person under 18 to gamble (unless permitted under the Act)
47	Inviting, or permitting a child or young person to enter a casino, betting shop or adult gaming centre when facilities for gambling are being provided (unless otherwise permitted under the Act)
51-55	Employing a child or young person to provide facilities for gambling or to work in premises where facilities for gambling are provided (unless otherwise permitted under the Act)
328	Breaching advertising regulations

- 10 The combination of the above provides a very robust framework, and as a result the number of infringements found by Licensing Authorities is generally very small compared to the Licensing Act 2003. To illustrate this point, in the period since the Act came into force on the 1st September 2007 the Council has not received any complaints suggesting that gambling premises licensed within the district have caused problems within their immediate or extended vicinity.
- 11 The following table illustrates the current number of active permissions issued by the Council under the Gambling Act 2005:

Type	Number of issued licences/ permits or registrations
Adult Gaming Centre	1
Licensed Family Entertainment Centre (F.E.C)	0
Bingo	0
Betting Shop	7
Small Society Lottery	127
Unlicensed F.E.C	0
Pub Gaming Machines	46
Club Gaming Machines	6

Background papers: None