

SOUTH HOLLAND DISTRICT COUNCIL

REPORT TO: COMMITTEE OF THE LICENSING AUTHORITY

BY: HEAD OF COMMUNITY & NEIGHBOURHOOD SERVICES

SUBJECT: Gambling Act 2005

PURPOSE: To approve Licensing Authority delegations and authorisations.

1.0 INTRODUCTION

- 1.1 The Gambling Act 2005 [Referred to as "The Act"] places a number of duties on local authorities in respect of gambling activities. South Holland District Council [referred to as "The Licensing Authority"] will be responsible for:
- a) The licensing of gambling premises and if successful the issue of Gambling Premises Licences
 - b) The issue of Gambling Permits
 - c) Regulating members clubs and club gaming and machine permits
 - d) The registration of society lotteries below certain prescribed thresholds
 - e) Consideration of Temporary Use Notices and Occasional Use Notice.
 - f) Generally upholding the licensing objectives.
- 1.2 The Licensing Authority has been able to receive applications from 21May 2007
- 1.3 In order to satisfactorily discharge its functions under the Act, the licensing authority will need to set up a scheme of delegation and also authorise officers to act as an "authorised person" in accordance with Section 304 (1), (2) (3) and (4) (b) of the Gambling Act 2005.
- 1.4 Once an individual has been authorised as an "authorised person " she/he will be able to exercise all the powers and functions permitted under the Act.
- 1.5 South Holland District Council [as the Licensing authority] has already produced and approved a statement of Principles in respect of the Gambling Act, following extensive consultation. **[A COPY IS ATTACHED AT APPENDIX A TO THIS REPORT]**. A scheme of delegations has already been laid down in the statement of principles and attention is drawn to page 26.
- 1.6 Under the Act the Licensing Authority is a responsible Authority and will be able to make representations in respect of applications and also to apply for a review of a licence/authorisation.

2.0 LEGAL IMPLICATIONS

- 2.1 It will be necessary to properly authorise officers and delegate to ensure that the Licensing Authority is able to fulfil its statutory obligations. The failure to properly authorise and delegate functions may result in judicial review [for example if an officer is not authorised then they will be acting "ultra vires"]

3.0 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications associated with this report.

4.0 RECOMMENDATIONS

- (a) That functions be delegated as per Appendix A on page 26 of the Statement of Principles for The Gambling Act 2005 (attached)
- (b) That the Chief Executive, Corporate Directors, Head of Community & Neighbourhood Services, community Services Manager and the Team Leader, Food Safety & Licensing be authorised to make representations, to apply for a review of a premises licence on behalf of the Licensing Authority in accordance with Section 157 (a) and 197 of The Gambling Act 2005 and instigate legal proceedings for any offences under the Gambling Act 2005 and associated regulations
- (c) That the officer posts listed in **Appendix B** be Authorised to act as an “authorised person” in accordance with Section 304 (1), (2) (3) and (4) (b) of the Gambling Act 2005.

Background papers:- Gambling Act 2005
Gambling Act 2005 Chapter19 Explanatory Notes [ISBN 0-10-561905-1
South Holland District Council Statement of Principles- Gambling Act 2005
Local Authorities (Functions & Responsibilities) (England) (Amendment)
Regulations 2007

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Appendices: **Appendix A - Gambling Act 2005 – Statement of Principles**
Appendix B - Authorisation of officers to act in accordance with The Gambling Act 2005

Local Government (Access to Information) Act 1985

Please contact Craig Fowler, the Team Leader, Food Safety & Licensing if you want more information about this report or the background papers. You can contact him:

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