

Consultation on proposed Mandatory and Default Conditions under the Gambling Act 2005

Licensing Committee, item 5

Committee:	Licensing Committee	Agenda Item
Date:	1 November 2006	5
Title:	Consultation on proposed Mandatory and Default Conditions under the Gambling Act 2005	
Author:	Catherine Nicholson Solicitor ext 420	Item for decision

Summary

A consultation paper has been issued by the Department of Culture Media and Sport on the conditions that can be attached to the Premises Licence under the Gambling Act 2005. The closing date for comments is 10 November 2006.

Recommendations

That Members determine what response (if any) they wish to give to the consultation document

Background Papers

DCMS Consultation Document on Mandatory and Default Conditions (also available at www.culture.gov.uk/Reference_Library)

Impact

Communication/Consultation	None
Community Safety	None
Equalities	None
Finance	None
Human Rights	None
Legal implications	Once the conditions become Regulations the Authority will be bound to impose their provisions or have good reasons for departing from them, in the case of default conditions
Ward-specific impacts	None
Workforce/Workplace	None

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Situation

- 1 The Gambling Act 205 allows for two kinds of conditions to be attached to Premises Licences by the Secretary of State through regulations. These are mandatory and default conditions. The purpose of the paper is to consult on what those conditions should be. Individual conditions may be placed on a licence by the Licensing Authority, but this is not addressed in the paper.
- 2 Mandatory conditions will be attached to all relevant licences and can be attached generally to all Premises Licences, to all Premise Licences of a particular type or to a particular type of Premises Licence in certain specified circumstances. They will be used to set out the basic minimum requirements to which all premises licence holders should adhere. Once in place they can only be removed by further regulations, a Licensing Authority has no power to remove or vary them
- 3 Default conditions will be attached in the same way, but unlike mandatory conditions they can be amended or removed by Licensing Authorities on the issue of a licence or on an application for a variation or review of a Licence. The Gambling Commission expects Default Conditions to be the industry norm so that whilst Licensing Authorities will be free to limit or remove them where it is felt appropriate, this should only be done with reference to the Commission's Code of Practice, the Licensing Objectives, or a Licensing Authority's policy statement.
- 4 The DCMS is therefore proposing Default Conditions where it is felt that an industry standard should be set and be consistently applied nationwide. It does still allow the Licensing Authority some flexibility by allowing the conditions to be amended or removed to respond to local circumstances.
- 5 The Consultation Paper asks a number of questions on the proposed conditions that will become the mandatory and default conditions, and these and the suggested response to them are contained in Appendix 1.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Members do not respond to the consultation paper	Low. Members have shown a willingness to participate in a range of consultations in the past	Low. The impact of the Gambling Act within the district is limited and it is doubtful in any event if	Members formulate a response to the consultation paper.

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		the Council's response alone would significantly affect the proposed draft conditions	
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