

**PROBITY IN GAMBLING LICENSING
STANDARDS COMMITTEE item 5**

Committee: STANDARDS COMMITTEE
Date: 16 JANUARY 2006
Title: PROBITY IN GAMBLING LICENSING
Author: MICHAEL PERRY (01799) 510416

Agenda Item

5

Item for
decision

Summary

- 1 The Gambling Act 2005 is a radical overhaul of the control of gambling. Local authorities will play a role in licensing premises, but the licensing of operators and personal licences for those engaged in managing premises will be the responsibility of the Gambling Commission.
- 2 This report informs Members what the responsibility of the Council will be once the Act comes into effect (for the purpose of issuing premises licences likely to be January 2007).

Recommendations

- 3 That Members determine what guidance (if any) they wish to give to Members of the Council regarding probity in dealing with Gambling Premises Licence applications.

Background Papers

- 4 None.

Impact

Communication/Consultation	None.
Community Safety	None.
Equalities	None.
Finance	None.
Human Rights	None.
Legal implications	In the event that the Committee

**PROBITY IN GAMBLING LICENSING
STANDARDS COMMITTEE item 5**

	recommends and the Council adopts a code of probity for gambling licensing, breach of the guidance may amount to a breach of the Members Code of Conduct.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

5 Overall responsibility for the control of gambling in England and Wales will rest with the Gambling Commission. Local authorities are responsible for:-

5 Preparing and adopting a licensing policy.

6 Issuing premises licences.

7 Considering notices for the temporary use of premises for gambling.

8 Granting permits for gaming and gaming machines in clubs.

9 Regulate gaming and gambling machines in premises licensed for the sale of alcohol.

10 Grant permits for family entertainment centres for the use of certain lower stake gaming machines.

11 Grant permits for prize gaming.

12 Consider occasional use notices for betting at tracks.

13 Register small societies lotteries.

6 In order to consider what guidance (if any) it should issue with regard to probity matters, the Committee needs a basic understanding of the licences and permissions which may be issued by the Council and the likely workload this is likely to generate.

PROBITY IN GAMBLING LICENSING

STANDARDS COMMITTEE item 5

- 7 In general, only persons holding an operator's licence from the Gambling Commission are able to hold licences for premises. The only exception is racetracks where the proprietor of the track may hold the premises licence, but the individual operators are licensed by the Gambling Commission separately. Premises licences are required for casinos, bingo entertainment centres, betting premises (eg betting shops, tracks, etc), adult gaming centres and family entertainment centres. It is considered unlikely that Uttlesford would attract any casinos. Yellow Pages and websites searches have not as yet produced any reliable indication as to the number of betting shops within the District, but it is likely that this will be less than 10. There is one track at High Easter which provides point to point racing. If this operates for eight days or less in a 12-month period, this would be covered by occasionally use notices and not require licensing. There are two adult gaming centres in the District at Birchanger Service Station and Stansted Airport. There are no bingo centres, family entertainment centres or unlicensed family entertainment centres. Premises licensed for the sale of alcohol may have two gaming machines without a permit. Should they require more, a permit is required for the local authority, but the applicant would not need to hold an operator's licence.
- 8 Members will recall having previously recommended codes of probity with regard to planning and licensing under the Licensing Act 2003. The issue of Gambling Premises Licences will fall to be dealt with on a quasi judicial basis similar to applications for planning permission and licenses under the Licensing Act 2003. However, under the Gambling Act, guidance and codes of practice issued by the Gambling Commission and the Council's statement of licensing policy are given greater prominence. In particular, local authorities are required to grant a licence if the application is in accordance with codes of practice and guidance issued by the Commission, reasonably consistent with the licensing objectives and in accordance with the authority's statement of licensing policy.
- 9 If Members are minded to offer guidance on probity with regard to gambling licensing, Members are asked to indicate whether this should be freestanding or by way of amendment to the existing guide on probity and licensing.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
No guidance is issued with regard to probity in gambling	LOW	MEDIUM Members are bound by the	Specific guidance on probity would reduce the level of risk further.

**PROBITY IN GAMBLING LICENSING
STANDARDS COMMITTEE item 5**

<p>licensing</p>		<p>Members Code of Conduct in any event and are aware of the rules of natural justice arising from the code of probity in licensing and training given. However a breach of the rules of natural justice could give rise to decisions being challenged by way of judicial review and could bring the Council into disrepute</p>	
-------------------------	--	--	--