



Report No: **242/2009**

Public Agenda Item: **Yes**

Title: **Decisions taken in relation to Gambling Act 2005 applications under delegated powers**

Wards Affected: **All**

To: **Licensing Committee**

On: **19 November 2009**

Key Decision: **No**

Change to Budget: **No**

Change to Policy Framework: **No**

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1. What we are trying to achieve

- 1.1 To inform Members of the decisions taken in relation to Gambling Act 2005 applications by the Executive Head Community Safety under delegated powers.

2. Recommendation(s) for decision

- 2.1 That Members note the decisions made under delegated powers so that they maintain a general overview of the current gambling situation under the Gambling Act 2005.

3. Key points and reasons for recommendations

- 3.1 Torbay Council's "Gambling Policy Statement" (adopted December 2006) details the scheme of delegation under the Gambling Act 2005. This Policy also requires that the Licensing Committee receive regular reports (section 1.16) on delegated decisions so that it can maintain a general overview of the current gambling situation.

For more detailed information on this proposal please refer to Appendix A.

Frances Hughes
Executive Head Community Safety

Appendix A – Supporting information to Report 242/2009

A1. Introduction and history

A1.1 The Gambling Act 2005 came into force on 1st September 2007. Torbay Council, as the Licensing Authority are responsible for the Premises Licences issued under the legislation, along with permits for gaming machines in a series of premises, notably Unlicensed Family Entertainment Centres (UFEC's), Club and Pub premises. The Gambling Commission are responsible for Operator Licences and Personal Licences.

A1.2 From 30th April 2007, Torbay Council became responsible for the administration and issuing of Premises Licences and UFEC's. Below are the applications dealt with between 1st April and 30th September 2009.

	Total
Casino Premises Licences – New	0 (1)
Casino Premises Licences – Variation	0
Bingo Premises Licences – New	3 (8)
Bingo Premises Licences – Variation	0
Betting Premises Licences – New	1 (20)
Betting Premises Licences – Variation	0
Adult Gaming Centre Premises Licences – New	0 (25)
Adult Gaming Centre Premises Licences – Variation	0
Family Entertainment Centre Premises Licences – New	0 (4)
Family Entertainment Centre Premises Licences – Variation	1
Unlicensed Family Entertainment Centre Gaming Machine Permit – New	0 (19)
Temporary Use Notices	0
Reviews of Licences (Licensing Committee/Sub-Committee)	0
Hearings (Licensing Committee/Sub-Committee)	0
Appeals (to Magistrates Court)	0

The numbers in brackets are the total number of each type of Premises Licences issued.

- A1.3 Gambling Act Guidance has been further clarified over the past year and therefore fewer applications are now being received. However, the number of Premises with a licence has remained fairly constant, with no businesses closing.
- A1.4 Unlicensed Family Entertainment Centres (UFEC's) only require a Permit, as they have only Category D machines. These machines have a maximum payout of £5 cash or £8 prizes, and can legally be played by children. Nine holiday camps and ten arcades have such Permits.
- A1.5 UFEC's are considered to be of minor risk, hence a much faster application process is applied nationally, whereby the application is only forwarded to the Police for consideration. If the Police raise concerns, the matter would be brought to Licensing Committee for a decision. Since all new applications have been made by existing arcade sites, no representations have been received.
- A1.6 In addition to the work above, the Licensing Authority is also responsible for Permits at Clubs and Pubs. At present, 8 Alcohol Licensed Premises gaming Machine Permit (3+ gaming machines) and 118 notifications (1/2 gaming machines) have been granted. The remaining pubs that have gaming machines, are still operating under the original section 34 Permits issued under the Gaming Act 1968, which last three years from the date of issue.
- A1.7 At present there are 36 Gaming Registrations for clubs, which are all issued by the Magistrates' Court. These Gaming Registrations last for three years and can be converted into new Permits on expiry. At this present time none of the exiting registrations have expired so we have not received any conversion applications. We have, however had 6 new applications in total.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

There are no risks associated with this report.

A3. Options

- A3.1 None. Members cannot change the Officer decisions but need to be appraised of the issues in accordance with the Gambling Policy.

A4. Summary of resource implications

- A4.1 There is no significant additional resource implications from routine Gambling Act work, however the demands of the Casino work adds significantly to the workload of the team and other Business Units.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

- A5.1 There are no equalities or environmental sustainability implications, however one of the Licensing Objectives is the "Preventing Gambling being a source of Crime and Disorder", so the work should have a positive impact on reducing this.

A6. Consultation and Customer Focus

A6.1 There is public consultation on all new and variation premises licence applications for a 28 day period before any licence is granted.

A7. Are there any implications for other Business Units?

A7.1 There are no significant implications for other Business Units, though the Local Children's Safeguarding Board is a consultee on any application.

Annexes

None

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

None