



Gambling Act 2005: What it means for licensing authorities

The Gambling Act 2005 will elicit a wholesale change in how gambling is licensed in Great Britain, bringing with it new responsibilities for Licensing Authorities.

The Act made simple:

- Gambling operators will require an operating licence and any relevant personal licences from the Gambling Commission, the new national gambling regulator
- They can then obtain a premises licence from their relevant Licensing Authority (which is the unitary, district or county council in England and Wales or the licensing board in Scotland)
- Decisions by both bodies will be made in accordance with the three licensing objectives, which are;
 - Preventing gambling being a source of crime or disorder
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and the vulnerable from being harmed or exploited by gambling

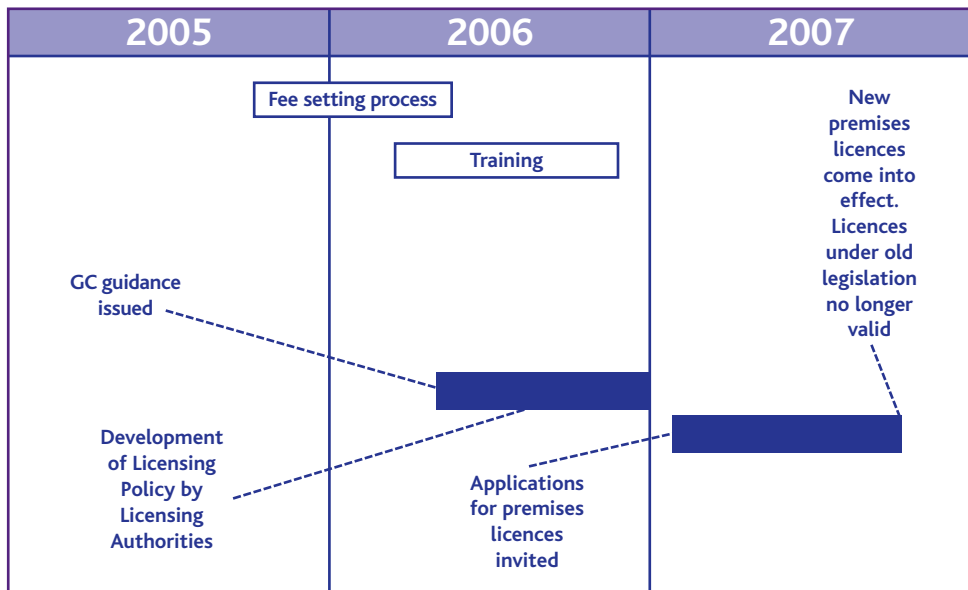
The Gambling Commission

The Gambling Act 2005 provides for the Gambling Commission to take over from the Gaming Board for Great Britain and to take on wider functions. The Commission is expected to come into existence formally in October 2005 and will be based in Birmingham from mid-2006.

The Commission will issue personal and operating licences and ensure compliance with these and the associated codes of practice. It will investigate and prosecute illegal gambling providers and give guidance to licensing authorities on how they should carry out their functions under the Act. The Gambling Commission will also give advice to the Government about the incidence of gambling in the United Kingdom. The Commission will need input from Licensing Authorities both when it is being established and when the new regime is in place in order to become an effective regulator. It is already working both with LACORS and COSLA.

<http://www.gamblingcommission.org.uk/> has more information about the Gambling Commission.

Gambling Act 2005: Implementation for Licensing Authorities



Casinos

The Gambling Act 2005 gives licensing authorities new powers to:

- issue premises licences for casinos;
- resolve not to issue any further casino premises licences in their area.

The Act creates three new categories of casino, and initially allows premises licences to be issued for a total of 17 new casinos: 1 regional, 8 large, and 8 small casinos. There is provision for the number of premises licences to be increased, but there are currently no plans to do so. An independent panel will advise the Government where the new casinos should be located, based on the need to obtain a proper assessment of their social impact, and on the likely regeneration benefits. Any area will be able to make its case to the Panel for a new casino – the new Act revokes the law that allows only certain permitted areas to have casinos. Once Parliament has confirmed the locations, operators will be able to apply to the relevant licensing authorities for the premises licences.

Casinos licensed under the existing legislation will continue to be allowed to operate, as their licences will be transferred to the new regime.

What's the licensing policy?

Each Licensing Authority will need to produce a Statement of Licensing Policy that will set out how the authority intends to exercise its functions under the Act and the principles it intends to apply. The Gambling Commission guidance will contain some information about what to include in the policy but its final content will be the responsibility of the individual Authority. The policy will last three years but should be reviewed from time to time.

When will Licensing Authorities get the guidance and when will the new regime start?

It is currently envisaged that the Gambling Commission will publish this guidance by 1 May 2006. We have then allowed, based on advice from LGA and LACORS, seven months for Licensing Authorities to produce and publish their policies. We therefore envisage that Authorities will be able to invite applications in early 2007 and that the new regime will be fully in force by Autumn 2007.

What will Licensing Authorities issue?

Licensing Authorities will issue **premises licenses** for:

Casinos, Betting Offices and Race Tracks, Bingo Clubs, Adult Gaming Centres, Family Entertainment Centres.

They will issue **permits** for:

Gaming machines in members' clubs and licensed premises, gaming in members' clubs, prize gaming and Unlicensed Family Entertainment Centres.

In addition they will also endorse Temporary Use Notices and issue Provisional Statements

In general the Licensing Authority that issued the premises licence or permit will be responsible for monitoring it and taking any appropriate enforcement action.

Fees

The Government has decided that premises licence fees will be set via a series of bands, with a prescribed maximum. Licensing Authorities will be able to select precise fees from within the bands, limited to cost recovery. This will allow Authorities flexibility and the industry a degree of certainty.

In addition, those Authorities rated excellent by the CPA will be able to set premises licence fees outside the bands, limited to cost recovery.

The Secretary of State will set the fees for permits and other services. In Scotland, Scottish Ministers will set all fees.

DCMS, LGA and LACORS have already started consultation about the calculation of the bands to ensure cost recovery. However, there will be ample opportunity for all to contribute to the debate before the fee bands are finalised during 2006 and you are encouraged to do so.

If you would like to take part in any of the fees exercises, please contact DCMS using the details overleaf.

Training

Training for Authority officers and members in how to deal with the new responsibilities under the Gambling Act 2005 will be integral to successful implementation. To this end, the Government is working closely with a wide range of organisations in order to assess training needs.

It is currently envisaged that the Government will produce a comprehensive package of training materials with input from the Gambling Commission, groups from Local Government (including the LGA, LACORS and IoL), and many others. This shall ensure a consistent quality of training is available to all Authority personnel.

However, we are keen to ensure that our approach to training is the most effective one, and as a result, we will continue to consult as proposals develop on the best approach to training provision.

If you would like to share your views regarding approaches to training, please contact DCMS using the details overleaf.

Further Information

General

Website: www.culture.gov.uk/gambling_and_racing/premises_licensing.htm

Email updates: just send an e-mail to premiseslicensing@culture.gov.uk to subscribe to regular e-mail updates on Gambling premises licensing.



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