

Gravesham Borough Council

Report to: Licensing Committee
Date: 21 November 2007
Reporting officer: Head of Regulatory Services
Subject: Delegated powers under the Gambling Act 2005

Purpose and summary of report:

To outline the need for further delegation of powers and duties under the Gambling Act 2005 from the Licensing Committee to the Head of Regulatory Services.

Recommendations:

That the Licensing Committee revises its delegations of powers and duties of the council as licensing authority under the Gambling Act 2005 to the Head of Regulatory Services. To add to the delegation granted on 31 January 2007:

‘and to carry out all duties of the licensing authority under Gambling Act 2005 that are not reserved to the Licensing Committee or to a Licensing Panel.’

1. Background

- 1.1 The Licensing Committee delegated certain powers and duties of the council as a licensing authority under the Gambling Act 2005 to the Head of Regulatory Services on 31 January 2007.
- 1.2 These delegated powers allowed the HRS to determine applications made under the Act, but with certain limitations in place. These arrangements reflect the pattern of delegations outlined in the relevant appendix to Gravesham’s adopted statement of licensing policy.

2. Need for further delegated powers

- 2.1 Following a transition period which ended on 1 September 2007, the Gambling Act 2005 is now fully in force and operational.
- 2.2 As a licensing authority, Gravesham BC now has an ongoing role to carry out inspections to check compliance with the Act and to take enforcement action against those who do not comply. This work is to be carried out by officers from the Licensing team of Regulatory Services, acting as ‘authorised persons’ under the Act.
- 2.3 On 12 September 2007 the Licensing Committee adopted the revised Kent and Medway Licensing Enforcement Protocol, which now includes regulatory functions under the Gambling Act 2005. This commits us to a risk rated partnership approach to enforcement, both proactive and reactive, and working alongside and sharing information with the other relevant regulatory bodies.

- 2.4 In order for these enforcement and regulatory functions to be put in place and carried out in the most straightforward and efficient manner, further delegation of powers to HRS is now recommended, namely 'to carry out all duties of the licensing authority under Gambling Act 2005 that are not reserved to the Licensing Committee or to a Licensing Panel'. This clause is recommended to be added to the delegation put in place on 31 January 2007.

3. Risk assessment

- 3.1 The recommended revision of delegation of powers to the HRS will allow a smooth and rapidly responsive approach to powers and duties under the Gambling Act 2005, including regulation and enforcement activities.
- 3.2 The 'catch all' nature of the delegation means that all issues are covered even if there are changes to the legislation and gambling regime in future, without the need to come back to the Licensing Committee for further delegation.

4. Section 17 of the Crime and Disorder Act 1998

- 4.1 Fulfilling powers and duties under the Gambling Act 2005 is of direct relevance to the Council's section 17 obligations in that the objectives to the Gambling Act 2005 are:
- 4.1.1 To prevent gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime
 - 4.1.2 To ensure that gambling is conducted in a fair and open way
 - 4.1.3 To protect children and vulnerable persons from being harmed or exploited by gambling.
- 4.2 As signatories to revised Kent and Medway Licensing Enforcement Protocol we are committed to a risk rated partnership approach to enforcement. This also directly reflects section 17 requirements.

5. Equalities

- 5.1 In respect of the various duties under equalities legislation, it is not anticipated that exercise of the delegated powers and duties will lead to any adverse impact on those groups to which the equalities duties apply. However, an impact assessment will be undertaken within one year of the implementation of the powers and duties.