

Gambling and Licensing Acts Committee

8 June 2007

Report of the Head of Civic, Democratic and Legal Services

Establishment of the Terms of Reference for the Gambling and Licensing Acts Committee and the Procedure for Sub-Committees

Summary

1. This report asks Members to approve the terms of reference for the Gambling and Licensing Acts Committee and the procedure for the Gambling Act 2005 Sub-Committees.

Background

2. The Gambling Act 2005 received Royal Assent on 7th April 2005 and will come into full effect from September 2007. Certain functions under the Gambling Act 2005 are delegated to the licensing committee and sub-committees that had been established under section 6 of the Licensing Act 2003, namely the Licensing Act 2003 Committee. The new title of Gambling and Licensing Acts Committee and the new delegation scheme for this committee were approved at the Annual Council meeting on 24 May 2007 to reflect the new role the committee will undertake under the Gambling Act 2005. The revised delegation scheme for this committee is attached at Annex A.

Under the delegation scheme, the Gambling and Licensing Acts Committee have a duty to agree the terms of reference, which sets out the committee's statutory duties under the Gambling Act 2005 and delegated functions to sub-committees and officers, together with the procedure which will govern the operation of the sub-committees during Gambling Act 2005 Hearings.

Consultation

3. The Head of Licensing and Regulation has been consulted on the delegation scheme, terms of reference and procedures. Any comments made have been incorporated into the versions attached.

Options

4. Members have two options to consider:

Option A – to approve the terms of reference for this committee attached at Annex B and the procedure for the sub-committees attached at Annex C

Option B – to make amendments to the recommended terms of reference for this committee and the procedures for the sub-committees

Analysis

5. Failure to approve the terms of reference for the Gambling and Licensing Acts Committee and the procedures for the sub-committees will mean that the Gambling Act 2005 cannot be fully implemented by the Council as a licensing authority.

Corporate Priorities

6. The Gambling Act has 3 objectives:
 - a. preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime;
 - b. ensuring that gambling is conducted in a fair and open way; and
 - c. protecting children and other vulnerable persons from being harmed or exploited by gambling.

These contribute to the Council's priority of reducing the actual and perceived impact of violent, aggressive, and nuisance behaviour on people in York. Such behaviour can be associated with poorly regulated gambling activities.

Implications

7.
 - **Financial** - None
 - **Human Resources (HR)** - None
 - **Equalities** - None
 - **Legal** - The legal requirements associated with implementing the Gambling Act 2005 cannot be fully met until the Gambling and Licensing Acts Committee and sub-committees have been given the appropriate powers to act under this new legislation.
 - **Crime and Disorder** - None
 - **Information Technology (IT)** - None
 - **Property** - None
 - **Other** - None

Risk Management

8. There are no known risks associated with this report.

Recommendations

9. Members are asked to:
- i. Approve the terms of reference attached at Annex B which lays out the committee's statutory duties under the Gambling Act 2005 and the schedule of delegated functions to officers and sub-committees;
 - ii. Approve the procedure for the sub-committees attached at Annex C

Reasons: To ensure the effective implementation of the Gambling Act 2005.

Contact Details

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Report Approved

Date 31 May 2007

Specialist Implications Officer(s)

Legal Implications

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Wards Affected:

All

For further information please contact the author of the report

Background Papers: Gambling Act 2005 (Chapter 19)

Annexes

Annex A – Delegation scheme for Gambling and Licensing Acts Committee
Annex B – Terms of Reference for Gambling and Licensing Acts Committee
Annex C – Procedures for the Gambling Act 2005 Sub-Committees