

Decision Item

Gambling Act 2005- Delegation Arrangements

Purpose of this Report

To obtain Committee approval to a scheme of delegation for functions under the Gambling Act 2005.

Information

Local authorities such as Gedling Borough Council have a number of responsibilities under the Gambling Act 2005 including the need to delegate decision making to its licensing committee established under Section 6 of the earlier Licensing Act 2003.

At the Full Council meeting on the 13th December last year it was resolved to delegate all necessary statutory functions under the Gambling Act 2005 to the Licensing Act Committee. Further delegation by a licensing committee is permitted by the legislation on a number of gambling matters and the Gambling Commission has produced national guidance for Licensing Authorities which contains a suitable scheme of gambling function delegations and this is reproduced as **Appendix A** for Member approval.

Under the scheme Full Council has the statutory responsibility of approving the three year Gambling Policy Statement and of making a 'no casino' resolution in the future. Licensing panels have the decision making role with regard to applications where representations are received and officers in approving applications where no representations have been received or where representations have been withdrawn. Only Licensing panels can decide upon an application to review a premises licence. The scheme also details the decision making arrangements relating to permits.

There is also the need for Committee to delegate the appointment of authorised persons under Section 304 of the Gambling Act 2005 and it is suggested that the power to appoint authorised persons under Section 304 of the Act shall be delegated to the Head of Planning and Environment. Authorised persons have a number of powers to enter premises granted by the Act.

Implications

Adopting the national guidance delegation scheme will enable appropriate decision making to be undertaken within this Authority while being fully compliant within the legislative framework.

Recommendations

Members are recommended to:

- (a) Approve the Gambling Act delegation scheme (**Appendix A**), which will be subject to periodic review to maintain it in line with legislation.
- (b) To delegate to the Head of Planning and Environment the power to appoint authorised persons under Section 304 of the Act.