

REPORT TO THE COUNCIL		Report No. 7
Date of Meeting	4 December 2007	
Title of Report	The Gambling Act 2005 (Temporary Use Notices) Regulations 2007	
Link to Corporate Priorities	Although this is a statutory requirement it does link to the Community Priority: To promote vibrant, safe and inclusive communities	
Public Report	Yes	

<p>Summary of Report</p> <p>This report proposes the level of fees to be set in relation to Temporary Use Notices under the Gambling Act 2005.</p>
<p>Officer Recommendations</p> <p>It is recommended that the level of fees as detailed in Appendix 1 is adopted to take effect from the 1st December 2007.</p>

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.				
Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
Yes	Yes	Yes	None	None

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1. Introduction

- 1.1 On the 5th December 2006, Council approved the Statement of Principles in relation to the Gambling Act 2005. On 26th June 2007 Council set fees in relation to the licensing of gambling premises in North Wiltshire. The fees for Temporary Use Notices could not be set at that time because the Regulations had not been made.
- 1.2 The Gambling Act 2005 (Temporary Use Notices) Regulations 2007 Sect 7(1), which were made on 1st November 2007 and comes into force on 1st December 2007, requires that fees in relation to Temporary Use Notices under the Act, be set by the relevant Licensing Authority.
- 1.3 Although the setting of licence fees under the Gambling Act 2005 has been delegated to the Licensing Committee (Minute C29 26 June 2007), it is appropriate for Council to set the initial fee levels, in view of the limited time available before the Regulations come into force.

2. Options and Options Appraisal

- 2.1 The Committee is obliged to set the level of fees, options are:-
- i) To set the fee level as proposed by Officers.
 - ii) To set an alternative level of fees.

3. Background Information

- 3.1 The Gambling Act 2005 established a new system for the regulation of all gambling in Great Britain, other than the National Lottery and spread betting. It provides for local authorities in England and Wales, together called "licensing authorities" in the Act, to licence premises within their areas which are used to provide facilities for commercial gambling. Such premises are: -
- Casinos
 - Bingo Premises
 - Betting Premises
 - Family Entertainment Centres
 - Adult Gaming Centres
- 3.2 The Act contains three licensing objectives that underpin the functions that the Gambling Commission and Licensing Authorities will perform. They are:-
- Preventing gambling from being a source of crime or disorder; being associated with crime or disorder, or being used to support crime.
 - Ensuring that gambling is conducted in a fair and open way.
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.3 North Wiltshire currently has the following licensable gambling premises:-
- 1 x Bingo Premises
 - 12 x Betting Premises

- 1 x Adult Gaming Centre
- 1 x Family Entertainment Centres

All of the operators of the above are the holders of an Operating Licence issued by the Gambling Commission and as such may give a Temporary Use Notice. Only the holder of an Operating Licence may give a Temporary Use Notice.

4. Temporary Use Notices

- 4.1 Temporary Use Notices (TUN's) allow the use of premises for gambling where there is no Premises Licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.
- 4.2 Premises that might be suitable for a TUN would include hotels, conference centres and sporting venues.
- 4.3 A temporary use notice may only be granted to a person or company holding a relevant operating licence. It may also only be granted for activity that the operator is authorised to provide under the terms of their operating licence.

5. Procedure for giving notice

- 5.1 The holder of an operating licence must give notice to the licensing authority in whose area the premises are situated and must specify:
 - The gambling activity to be carried on (*This can only be a form of 'equal chance gaming' i.e. gaming which does not involve playing or staking against a bank and where each participant has an equal chance*)
 - The premises where it will take place
 - The dates and times the gambling will take place
 - Any periods during the previous 12 months that a TUN has had effect for the same premises
 - The date on which the notice is given.

6. Maximum period

- 6.1 The same set of premises may not be the subject of a TUN for more than 21 days in any 12 month period, but may be the subject of several notices provided that the total does not exceed 21 days.

7. Giving notice

- 7.1 The notice must be lodged with the licensing authority not less than 3 months and 1 day before the day on which the gambling event will begin.

The application must be copied to:

- The Gambling Commission
- The Police
- HM Commissioners for Revenue and Customs; and, if applicable
- Any other licensing authority in whose area the premises are situated

7.2 The person who is giving the notice must ensure the copies are with the recipients within 7 days of the date of the notice.

8. Endorsement

8.1 If no objections are made within 14 days of the date of the notice, the authority will endorse the notice as valid and return it to the person who gave it.

8.2 The notice giver may notify the authority that it is withdrawn at any time up to and during the time it has effect. In these circumstances the notice will have no effect, and any unexpired period of time will not count towards the 21 day maximum limit.

9. Financial Implications

9.1 The levels of fees proposed are based upon cost recovery only. Fees may not be used to raise revenue beyond reasonable costs.

10. Legal Implications

10.1 DCMS will publish and compare agreed fees and will follow up major inconsistencies between 'like' Councils.

10.2 Fees that do not adhere to the principle of cost recovery will be vulnerable to legal challenge.

11. Human Resources/Equal Opportunity Implications

11.1 The anticipated workload of the Gambling Act 2005 can be met within the existing resources of the Licensing Section of the Environmental Health Team and there are, therefore, no expected Human Resource or Equal Opportunity implications.

12. Community and Environmental Implications

12.1 The implications of this report are likely to have an effect on resident and businesses throughout the North Wiltshire area.

13. Risk Analysis

13.1 The Council is required to set and publish the levels of fees. Failure to do so would leave the Council open to legal challenge.

Appendices:	1. Proposed level of fees in relation to Temporary Use Notices
Background Documents Used in the Preparation of this Report:	The Gambling Act 2005

	<p>The Gambling Act 2005 (Temporary Use Notices) Regulations 2007</p> <p>Gambling Act 2005 – Statement Of Principles</p> <p>Gambling Commission Guidance to Licensing Authorities – June 2007</p>
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Previous Decisions Connected with this Report

Report	
Gambling Act 2005 – Statement Of Principles	Council 5/12/06
The Gambling Act 2005 (Premises Licence fees 2007 and Scheme of Delegation)	Council 26/6/07