

REPORT TO COUNCIL

Report No. 9

Date of Meeting	26 TH June 2007
Title of Report	The Gambling Act 2005 (Premises Licence Fees 2007 and Scheme of Delegation)
Link to Corporate Priorities	To promote vibrant safe and inclusive communities
Public Report	Yes

Summary of Report

To endorse the scale of fees and the delegations to officers proposed by the Executive at its meeting on 19th April 2007.

Officer Recommendations

That the scale of fees and delegations to officers proposed by the Executive at its meeting on 19th April 2007 be endorsed.

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	YES	YES

Contact Officer

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1. Background

1.1 This matter was originally considered by the Executive on 19th April 2007. The officer's report is attached (Annex A).

1.2 The Executive resolved as follows:-

- 1) The level of fees as detailed in Appendix 1 to the report be adopted to take effect from the 21st May 2007.
- 2) The Scheme of Delegation as detailed in Appendix 4 to the report be adopted.
- 3) The Environmental Health Team Leader be appointed as an authorised person under the Gambling Act 2005.
- 4) The Environmental Health Team Leader be given the authority to designate other Officers as authorised persons under the Gambling Act 2005.
- 5) The Environmental Health Team Leader be authorised to exercise all inspections and enforcement powers granted to the Council as Licensing Authority in relation to the Gambling Act 2005 or Regulations made thereunder and to authorise other officers to exercise those powers.
- 6) The Environmental Health Team Leader be authorised to instigate prosecutions under the Gambling Act 2005 in consultation with the Legal Services Team Leader as listed in Appendix 5 to the report.

1.3 On 23rd April 2007 the Government made the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2007 which stated that the Council's functions under the Gambling Act 2005 were amongst those functions not to be the responsibility of an authority's Executive.

1.4 In these circumstances it would be prudent for the Council to consider and endorse the decision previously taken by the Executive to ensure that any future enforcement action under the Act is beyond legal challenge.

2. Options

2.1 To endorse the decision of the Executive.

2.2 To vary the decision of the Executive.

3. Implications & Risk Analysis

3.1 All the implications and the risk analysis remain as set out in the original report (AnnexA) subject to the additional risk outlined in paragraph 1.4 above.

Appendices:	<ul style="list-style-type: none"> • Annex A: Report to the Executive 19th April 2007
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none"> • None

Previous Decisions Connected with this Report

Report	Committee & Date	Minute Reference
As listed in Annex A The Gambling Act 2005 (Premises Licence Fees 2007 and Scheme of Delegation)	Executive 19 th April 2007	E228