

Agenda Item 10

Legal and Property Services
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Report

Subject : Gambling Act 2005
Report to : Cabinet
Date : 11 July 2007
Author : John Crawford
Cabinet Member for Environment : Councillor Robertson

1. Summary:

To recommend to Council changes to:

- the constitution
- the terms of reference for the Licensing Committee and its sub-committees consequent upon the coming into force of the Gambling Act 2005.

2. Background:

2.1 On 11.12.2006 Council resolved to:

- approve the council's statement of gambling policy
- delegate fee setting to the Head of Environmental Services
- adopt the scheme of delegation set out in Appendix C to the statement of gambling policy

2.2 Under the Gambling Act 2005 Council is the gambling authority but all functions [other than approval of the statement of gambling policy, to resolve not to issue casino licences and to set fees] are delegated to committee which can sub delegate to sub-committees and officers.

2.3 The proposed changes to the constitution and the terms of reference for the Licensing Committee and its sub-committees are intended to reflect the coming into force of the Gambling Act 2005 and the adopted scheme of delegation.

3. Proposed changes to the constitution:

Set out in Appendix 1



Awarded in:
Housing Services
Waste and Recycling Services



4. Proposed terms of reference for the Licensing Committee:

Set out in Appendix 2

5. Proposed terms of reference for the Licensing Sub-Committees:

Set out in Appendix 3

6. Consultation undertaken:

"Prescribed" internal consultees

7. Recommendations:

7.1 Council approves the changes to the constitution set out in Appendix 1

7.2 Council approves the changes to the terms of reference for the Licensing Committee set out in Appendix 2

7.3 Council approves the changes to the terms of reference for the Licensing Sub-Committees set out in Appendix 3

8. Background papers: None

9. Implications:

- **Key decision** : no
- **Financial** : none
- **Legal** : set out in report
- **Human Rights** : none
- **Personnel** : none
- **ICT** : none
- **Community Safety** : none
- **Environmental** : none
- **Council's Core Values** : excellent service
- **Wards Affected** : none

CHANGES TO THE CONSTITUTION

PART 2 – ARTICLES OF THE CONSTITUTION

ARTICLE 4 – THE FULL COUNCIL

4.02 Functions of the Full Council

[r] the determination and publication of the local statements of licensing **and gambling** policy further to the Licensing Act 2003 **or the Gambling Act 2005** or any statutory extension modification amendment re-enactment of **them** - **Added**

ARTICLE 13 – DECISION MAKING

13.07 Decision making by other committees and sub – committees established by the Council

Subject to Article 13.08 and in respect of the Licensing **and Gambling** Committee and its Sub – Committees subject to the requirements of any regulations or orders made under the Licensing Act 2003 **or the Gambling Act 2005** or any statutory extension modification amendment or re-enactment of **them** other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them - **Changed**

PART 3 – RESPONSIBILITY FOR FUNCTIONS

PLANNING AND REGULATORY PANEL

1.1

- [Have District Wide significance [development control matters and general licensing policy other than that relating to the Licensing Act 2003 **or the Gambling Act 2005** or any statutory extension modification amendment or re-enactment of **them**] - **Changed**

LICENSING **AND GAMBLING** COMMITTEE - **Added**

Terms of reference [as set out in **Appendix 2** of this report] – **Added**

LICENSING **AND GAMBLING** SUB – COMMITTEES – **Added**

Terms of reference [as set out in **Appendix 3** of this Report] – **Added**

PART 4 – RULES OF PROCEDURE

8. QUORUM

The quorum of a meeting will be one quarter of the whole number of members provided at least 5 members are present for an Area Committee, Overview/Scrutiny Panel, Scrutiny Co-ordinating Committee, Licensing **and Gambling** Committee and

the Planning/Regulatory Panel and in respect of Licensing **and Gambling** Sub – Committees and Standards Committee it is 3 and in the case of the Standards Committee including one of the two independent persons.....-**Changed**

PART 6 – OFFICER SCHEME OF DELEGATION

12. Head of Environmental Health

12.53 To deal with all matters delegated to "Officers" under the Licensing Act 2003 **and Gambling Act 2005** and any regulations and orders made under **them** [in accordance with the **respective** schemes of delegation] - **Added**

TERMS OF REFERENCE FOR THE LICENSING **AND GAMBLING** COMMITTEE

1. All licensing **and gambling** functions of the council with regard to the Licensing Act 2003 **and the Gambling Act 2005** including any statutory extension modification amendment or re- enactment and any regulations or orders made under **them** other than
 - The determination and publication of the council's local statements of licensing **and gambling** policies
 - The establishment of this or any other licensing **and gambling** committee
 - **And with regard to the Gambling Act 2005**
 - **resolutions under s166**
2. To ensure that appropriate training is provided in time for new members to take up their appointments when the licensing **and gambling** committee starts work and appropriate refresher training for members as required.
3. To assist Council in its understanding of licensing **and gambling** issues generally and in connection with the determination and publication of the council's local statements of licensing **and gambling** policies from time to time.
4. To meet with licensing **and gambling** committees from the other districts in Wiltshire and where practicable with licensing **and gambling** committees from adjacent areas.
5. To ensure there is established adequate liaison between the council and the local Magistrates Court Committee and that each agency understands the other's role in licensing **and gambling**.
6. To establish a local forum and/or licensing **and gambling** business meetings to facilitate liaison and dissemination of views and information between the various agencies and the council and to work together in promoting the licensing objectives of the Licensing Act **and of the Gambling Act**.
7. To adopt guidance documents drawn up from time to time by officers and to review them as required.
8. To authorise the institution or defence of any legal proceedings in relation to matters within the Committee's terms of reference.

APPENDIX 3

TERMS OF REFERENCE FOR LICENSING AND GAMBLING SUB - COMMITTEES

All relevant matters reserved for Sub – Committee decision set out in the Schemes of Delegation.