

CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Refuse & Environment

TO: Licensing Committee

24th January 2011

WARDS: All

REVIEW OF DELEGATIONS UNDER THE GAMBLING ACT 2005

1 INTRODUCTION

- 1.1 The purpose of this report is to review and consolidate the delegations table relating the Gambling Act 2005 and to formally record its adoption.

2 RECOMMENDATIONS

- 2.1 That the Licensing committee resolves: To adopt the table of delegations as set out in Appendix A to this report with immediate effect.

3 BACKGROUND

- 3.1 The functions of the licensing authority are delegated to the Licensing Committee by virtue of section 154 of the Gambling Act 2005, with only three exceptions which remain the function of the full Council: (i) a no casino resolution and (ii) the three-year licensing policy, neither of which can be delegated and (iii) fees, which may be delegated. The delegation to sub-committees and officers therefore is a matter for the Licensing Committee to determine.
- 3.2 On 5th and 20th July 2006 a report went to the Licensing Committee and Full Council, respectively, containing a table setting out the scheme of delegations permitted under the Gambling Act 2005. On 7th December 2006, a further report went to the Licensing Committee transferring responsibility for small society lotteries from City Centre Management to the Head of Refuse and Environment.
- 3.3 A new 3rd Edition of the Gambling Commission's guidance came out in May 2009 and the attached scheme has been compiled taking this latest guidance into account.
- 3.4 The Licensing Committee is recommended to adopt the reviewed scheme of delegation to enable efficient administration of the Council's functions under the Gambling Act 2005.

4 ISSUES AND OPTIONS

- 4.1 If a scheme of delegation to officers were not adopted, all functions would need to be undertaken by the full Licensing Committee. The adoption of a scheme of delegation permits the speedier and more cost effective streamlining of processes, where applicable.

5 CONCLUSION

The Authority has a duty to ensure that it is able to perform its statutory functions and that the necessary procedures are in place to permit this.

6 IMPLICATIONS

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| (a) Financial Implications | None, the same licensing fees apply. |
| (b) Staffing Implications | None, in current procedures. |
| (c) Equal Opportunities Implications | None. |
| (d) Environmental Implications | None. |
| (e) Community Safety | None. |

BACKGROUND PAPERS:

The following are the background papers that were used in the preparation of this report:

Gambling Commission Guidance to Licensing Authorities, 3rd Edition, May 2009.

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Report file: M:/Everyone/Licence/ Review of Gambling Delegations report 2401
2011.doc

Date originated: 22nd December 2010
Date of last revision: 22nd December 2010

Appendix A

Table 4.i: Summary of licensing authority delegations permitted under the Gambling Act 2005

Matter to be dealt with	Full Council	Sub-Committee of licensing committee	Officers
Final approval of three year licensing policy	x		
Policy not to permit casinos	x		
Fee setting (when appropriate)			X (Delegated by full council)
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission or responsible authority	Where no representations received from the Commission or responsible authority
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		x	
Application for club gaming/club machine permits		Where objections have been made and not withdrawn	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		x	
Applications for other permits			x
Cancellation of licensed premises gaming machine permits			x
Consideration of temporary use notice			x
Decision to give a counter notice to a temporary use notice		x	
Grant and renewal of applications for small society lotteries			x