

Colin Wilson : Director of Legal and Administrative Services

This matter is being dealt with by: Bill Hodgson

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Dear Ms McKenzie

Consultation: Gambling Act 2005 (Licensing Authority Policy Statement) Regulations

The variation between authorities in the number and types of gambling premises they contain is such that a good degree of discretion should be given to authorities as to the content of their statements of policy. For example, while Westminster contains no bingo clubs at the present, it has 18 casinos with a further two seeking approval.

The regulations proposed seem generally to provide for this variation. There should be nothing in the regulations that would prevent an authority producing a policy statement that encompassed its licensing functions under the Licensing Act 2003 and the licensing of gambling premises under the Gambling Act 2005.

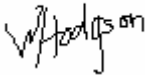
There are some specific comments on the regulations.

- Clause 4(2) (b) A requirement to list all persons consulted would be unduly onerous. The most that is needed is a description of the process of consultation and the groups or types of persons consulted e.g. operators of: betting offices: amusement arcades, casinos etc. rather than a full listing of individuals. The City Council consulted some 3000 individual operators on its Statement of Licensing Policy under the Licensing Act 2003. It and may wish to do so on its Policy Statement under the Gambling Act 2005.
- Clause 5 (a) A Licensing Authority should only be required to declare which body they have chosen to advise them on child protection. There should be no requirement to justify the choice of body.
- Clause 5 (b) The extent to which any individual to be affected by a gambling premises or has business interests that might be affected is very much a matter of fact and degree. It is difficult to see what could be included as general principles that would go further than the contents of Paragraphs 8.8 – 8.15 of the consultation draft of the Gambling Commission's Guidance to Licensing Authorities. Whatever principles were set out there would be exceptional

circumstances. It is unnecessary to require these principles to be set out this and risks local authorities inadvertently excluding individuals who would legitimately be interested parties.

- Clause 5 (c) The functions under sections 29 and 30 of the Act are exercised by the Gambling Commission rather than the licensing authority. This is not a matter that can be set by these regulations which apply to local authorities. There should be a standard range of information provided by all authorities. This information exchange should be the matter of agreement once the Gambling Commission, local authorities and the responsible bodies have considered their needs and will need to be reviewed once the Act is in operation.

Yours Sincerely



For
Colin Wilson
Director of Legal and Administrative Services