

**DELEGATION OF SMALL LOTTERIES REGISTRATION  
SCHEDULE 11, PART 5 – GAMBLING ACT 2005.****Report By: HEAD OF ENVIRONMENTAL HEALTH AND TRADING  
STANDARDS****Wards Affected:**

County-wide

**Purpose:**

1. For the committee to consider whether they wish to delegate its function under Schedule 11, Part 5, Paragraph 44 of the Gambling Act 2005 in respect of Small Society Lotteries.

**Law:**

2. Schedule 11, Part 5, Paragraph 47 of the Gambling Act 2005 states that: -  
A local authority shall refuse an application for registration if in the period of five years ending with the date of the application-
  - (a) an operating licence held by the applicant for registration has been revoked under section 119(1), or
  - (b) an application for an operating licence made by the applicant for registration has been refused.

Section 48 states: -

A local authority may refuse an application for registration if they think that-

- (a) the applicant is not a non-commercial society,
- (b) a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
- (c) information provided in or with the application for registration is false or misleading.

Section 50 states: -

- (1) A local authority may revoke a registration under this Part if they think that they would be obliged or permitted to refuse an application for the registration were it being made anew.
- (2) Where a local authority revokes a registration under this Part they shall specify that the revocation takes effect-
- (3) A local authority may not revoke a registration under this Part unless they have given the registered society an opportunity to make representations.

3. The legislation under this part of the act refers to the 'Local Authority'.
4. No guidance has been issued by Department of Culture Media & Sport (DCMS) in respect of this.
5. The Gambling Act 2005 makes no specific provision for the delegation of this function. It is necessary therefore for Section 101 Local Government Act 1972 to be used for this purpose.

6. Section 101 states that 'It would be impractical for the principal council to attempt to conduct all its business through meetings of the authority and a Local Authority may, appoint such committees and sub-committees to discharge its function as it thinks fit.

**Options**

6. There are two options available to the Committee:
- a) To delegate the responsibilities to an authorised Licensing Officer unless representation is received in which case the matter should be referred to the Licensing Sub-Committee for final decision.
  - b) To delegate the responsibility in all cases to the Licensing Sub-Committee
  - c) To delegate the responsibilities to some other Committee or Sub-Committee.
  - d) To refuse to delegate the authority thereby requiring the function to be dealt with by the Regulatory Committee.