

DELEGATION OF LICENSING AUTHORITY FUNCTIONS IN ACCORDANCE WITH SECTION 154 – GAMBLING ACT 2005.

**Report By: Head of Environmental Health and Trading
Standards**

Wards Affected

County-wide

Purpose

1. Council is asked to consider whether it wishes to delegate its function under Section 212 of the Gambling Act 2005.

Law

2. Section 2 – Gambling Act 2005 states that the ‘ a district council is a Licensing Authority’.
3. Section 212 allows the district council to set its own fees in respect of the Gambling Act. However any fee set must not exceed the maximum fee set by the government.
4. Section 154 automatically delegates to the Licensing Committee some of the functions under Part 8 of the Act, with the exception of Section 166 (Resolution Not to Issue a Casino Licence), Section 212 (Setting of fees) and Section 349 (Gambling Policy).
5. Whilst the Act does not allow the functions under Section 166 and Section 349 to be delegated, it does allow delegation in respect of Section 212.

Change in Legislation

6. On 24th April, 2007 the Department of Culture Media and Sport (DCMS) announced that for English councils the delegation for delegating functions sits with the Council following an amendment to ‘The Local Authorities (Functions and Responsibilities) (England) Regulations 2000’

History

7. The ‘Delegation of Function’ was presented to the Council's Regulatory Committee on 20th March, 2007 when it was approved, prior to the change in legislation.

Options

8. There are three options available to the Council:

Further information on the subject of this report is available from
Suzanne Laughland, Licensing Manager on (01432) 261675

- a) To delegate the function to the Regulatory Committee
- b) To refuse to delegate the function thereby requiring all changes in fees to be dealt with by Council.
- c) To reach some other decision.

Recommendation

That the function in respect of the setting of fees be delegated to the Regulatory Committee, and the Constitution be amended accordingly.