

GAMBLING ACT 2005 - DELEGATION OF POWERS TO OFFICERS

1. INTRODUCTION

- 1.1 The purpose of this report is to update an officer delegation for the Gambling Act 2005.

2. BACKGROUND

- 2.1 On 16 March 2007 the General Purposes and Licensing Committee approved a full range of delegations and Terms of References for the Licensing Sub-Committee relating to the Gambling Act 2005.
- 2.2 The Council operates an extensive scheme of delegations of powers to officers to allow the authority to respond quickly and efficiently to its operational and statutory needs and one of the current delegations relating to the Gambling Act 2005 needs updating to reflect the appointment of a Licensing Enforcement Officer.

3. PROPOSED SCHEME OF DELEGATIONS

- 3.1 The Council currently has in place a number of delegations which assist with the administration and decision making under the Gambling Act 2005.
- 3.2 In accordance with the Gambling Act 2005 an officer of the Licensing Authority may be designated as an 'authorised person' for the purposes of the Act. An 'authorised person' may carry out specified activities on behalf of the Licensing Authority to assess both compliance with the Act and whether criminal offences are being committed under the Act. These activities include the power to:
- Enter premises where it is reasonably believed that an offence under the Act is being committed;
 - Apply for a warrant to enter premises where it is believed the entry will be refused;
 - Inspect any part of the premises where gambling activity is taking place or suspected;
 - Inspect any (gaming) machines on the premises;
 - Require access to any written or electronic (or similar) records kept on the premises;
 - Require a copy, in such form as directed, of an entry held in a written or electronic (or similar) record which is kept on the premises;
 - Remove or retain anything that the authorised person believes constitutes or contains evidence of the commission of an offence under the Act or breach a term or condition of a licence issued under the Act.
 - Remove or retain anything that the authorised person believes is being used or has been used in the commission of an offence under the Act.
- 3.3 It is proposed to add the Licensing Enforcement Officer to the current delegation.

- 3.4 Table 1 below details the delegation required to include the Licensing Enforcement Officer as an ‘authorised person’ under the Act. This will replace existing item GP&L 1 (old ref 33) on the scheme of delegation.

Table 1

Source	Power Delegated	Delegation To
Gambling Act 2005 s.304	To be authorised persons for the purposes of the Act	Head of Public Health and Community Safety, or Environmental Health Manager, or Licensing Officer, or Licensing Enforcement Officer.

4. FINANCIAL, ENVIRONMENTAL AND EQUALITY & DIVERSITY IMPLICATIONS

- 4.1 None directly arising from this report.

5. CRIME & DISORDER IMPLICATIONS

- 5.1 It is important that officers from the licensing authority can assist partner agencies (Police, Gambling Commission, HM Revenue & Customs etc) in tackling gambling related problems and associated crime in an effective manner.

6. RECOMMENDATION

- 6.1 That the updated delegation to officers as detailed in Table 1 is approved and added to the Council’s scheme of delegations.

Further Information:

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Background Papers:

GPLC Report 16 March 2007
 Gambling Act 2005