

New Gambling Act Explained

Local Residents

KEEPING GAMBLING CRIME FREE, FAIR AND OPEN, PROTECTING CHILDREN AND VULNERABLE ADULTS





This leaflet has been prepared by the Department of Culture, Media and Sport (DCMS) to help you understand the new Gambling Act and the role that your local authority will now have in determining and regulating the gambling industry in your local area.

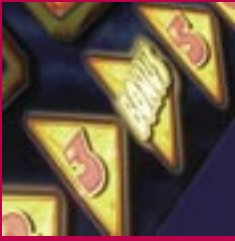
Background

The new Gambling Act 2005 comes into force on 1 September 2007.

It replaces most of the existing law about gambling in Great Britain and aims to put in place an improved, more comprehensive structure of gambling regulation.

It modernises 40-year-old gambling laws, ready to face the challenges of today and the future, while including a number of important protections.

The Gambling Commission has also been established as the new, independent national regulator for commercial gambling in Great Britain.



Local Authorities and the new Act

Your gambling licensing authority will be located within your local authority. If you live in an area where there are county and district councils, your district council will be responsible for gambling licensing. In Scotland, local authority licensing boards will be the licensing authorities responsible for gambling functions under the Act and references to 'local authority' in this fact sheet also apply to licensing boards.

Local Authorities will now issue *premises licences* for the following:

- bingo
- betting
- adult gaming centres
- Family Entertainment Centres
- casinos
- sporting tracks, including horse racing and dog tracks.

They will issue *permits* for:

- gaming machines in alcohol licensed premises, such as pubs
- gaming machines for members clubs
- other gaming activities in members clubs
- category D machines* in unlicensed Family Entertainment Centres
- prize gaming.

**Category D machines are those that can be used by children and have the lowest level of stakes and prizes*

They will also register and issue:

- small society lotteries
- occasional and temporary use notices
- provisional statements.

Statement of Gambling Policy

The new Gambling Act requires that all local authorities prepare, consult and publish a *Statement of Gambling Policy* which sets out the principles of how the authority will manage the licensing of local gambling activities over the next three years.

Your local authority should be preparing and consulting on this now and residents are encouraged to respond and make their views heard. The Statements will be publishing by the end of 2006. Please contact your authority for more details.



Local Residents

Local residents will be able to make representations to their local authority when an application is made to obtain a premises licence in their local area. Residents may also make representations when an existing licence is varied or being reviewed.

Representations can only be made by *interested parties* or a *responsible authority*. Local residents will generally meet the description of an *interested party*.

An *interested party* is a person who:

- lives sufficiently close to the premises to be affected by the proposed activities
- has business interests that might be affected by the proposed activities
- represents people in either of the above groups (eg lawyer, accountant, councillor, community association, chamber of commerce etc).

Responsible authorities include those who are responsible for the well being of children and vulnerable people, and other public bodies such as the police.

A representation is a written response to an application which outlines concerns that a local resident has about a particular application or existing licence. Representations must relate to the Gambling Commission's *Codes of Practice* and/or *Guidance to Licensing Authorities*; the new Act's objectives (as set out above); or the local authority's *Statement of Gambling Policy* if they are to be taken into account.



How will I know when a licence is being applied for or reviewed?

Licence applicants will be required to advertise their intention to apply for a licence for a set period, such as 28 days. They must do so on, or close to, the site itself and probably within a local publication, such as the local newspaper. Notices may also be placed in a main public building, such as the local library.

The notice will tell you where to obtain further details, who in the local authority you should contact and the date by which your letter must be received.

How do I make a representation?

To make a representation, you will need to write to your local council about your concerns about a particular application or existing licence. You will need to meet the criteria of an 'interested party' or a 'responsible authority' and your concerns must be relevant.

The views you express in your representation must be relevant to the licence application and must relate to the Gambling Commission's *Codes of Practice* and/or *Guidance to Licensing Authorities*; the new Act's objectives (as set out above); or the local authority's Statement of Gambling Policy if they are to be taken into account. Copies of these documents can be obtained from the Gambling Commission's and your local authority's websites.

Your concerns should not be about gambling generally, nor should they be about planning issues, which should be addressed to the planning officer in the local authority, or anti social behaviour issues, which should be reported to the police. You may ask a representative to write on your behalf.



If your local authority agrees that you meet the description of an interested party and that your concerns are relevant, you will be invited to a formal hearing. The applicant and other people who have made representations may also attend this hearing, at which the application is discussed. You may ask a representative to speak on your behalf.

If, however, you decide that you want to withdraw your representations, or that you are happy for the local authority to determine the application without a hearing, you may give your consent for the hearing to be dispensed with. Your local authority may also endeavour to involve you in informal discussions to see if your concerns can be addressed prior to any hearing. But, subject to your representation being relevant, you will always have the right to a hearing, should you request it.

The local authority will advise you of the outcome of the application. If a licence is to be granted, they will also advise you of the conditions under which gambling may take place.

What if I don't agree with the decision?

Appeals against decisions made by local authorities in England and Wales are made to the Magistrates' Court in England and to the Sheriff's court in Scotland.

What if I have concerns about a gambling premises once it has been issued with a licence?

A local authority may review a licence at any time. It might do this if local people have expressed relevant and serious concerns about a premises to the authority. Contact your local authority licensing section directly, and they will be able to inform you about their procedure for registering your concerns.

Will my local authority be able to stop casinos from operating in my area?

A local authority will be able to pass a resolution prohibiting the issue of any further licences for casinos in their local area. This will not, however, prevent any existing casinos from continuing to operate.



The new Gambling Act 2005 has three objectives:

- **keeping gambling crime free**
- **making sure that gambling is fair and open**
- **protecting children and vulnerable adults.**

More information

Contact your local authority's licensing section and the DCMS and Gambling Commission's websites for more details.

Department for Culture Media and Sport
www.culture.gov.uk

Gambling Commission
www.gamblingcommission.gov.uk



2-4 Cockspur Street
London SW1Y 5DH
www.culture.gov.uk

Our aim is to improve the quality of life for all through cultural and sporting activities, support the pursuit of excellence, and champion the tourism, creative and leisure industries.