

REPORT

To: GENERAL PURPOSES COMMITTEE		Subject: CONSULTATION PAPER - DEVOLVED POWERS IN THE DRAFT GAMBLING BILL
From: DIRECTOR OF ADMINISTRATION		
Date: 28 July 2004	Ref: WBK/PG	

1. INTRODUCTION AND PURPOSE OF THIS REPORT

1.1. Following a Report by an independent gambling review body in 2001 the U.K. Government set out proposals for the comprehensive modernisation of the law of gambling. In this regard a draft Gambling Bill was published on 19 November 2003 and this Bill takes forward these proposals and consolidates all gambling law into a single comprehensive piece of legislation. A consultation was carried out on the draft Bill which draft Bill has been scrutinised by a Joint Committee of both Houses of Parliament. Since it was not deemed possible to make the draft Scottish clauses of the Bill available to the Scrutiny Committee, the Scottish Executive has decided to publish a short supplement outlining the proposals for devolved powers. Local authorities were invited to make written responses to this consultation paper by Monday 16 August 2004.

2. REPORT

2.1. The Scottish Executive has sought local authority views on a number of issues including whether gambling type permits should be consolidated within the remit of the Licensing Board as opposed to the present split level of responsibility between the Board and the Council. These issues have been considered and discussed with the Convener of the Committee and a response prepared which is annexed to this Report. Unfortunately the timetable for consultation did not allow for the response to be tabled before the Committee prior to despatch.

3. CORPORATE CONSIDERATIONS

3.1. The issues contained in this Report do not substantially impact on the Council's overall policies and positions.

4. RECOMMENDATION

4.1. The Committee is asked to homologate the response to the Scottish Executive Consultation on the draft Gambling Bill.

*Walker B. Kilmour*  
 P. Director of Administration

Members seeking further information on the contents of this Report are asked to contact Paul Guidi, Principal Solicitor, at extension 2294.

Miss Norma Eagle  
Scottish Executive  
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Civil Justice Division Licensing Team  
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Dear Madam

### **Consultation Paper – Draft Gambling Bill**

I refer to the above Consultation Paper in which written responses were invited to be submitted by you by Monday 16 August 2004.

I now have pleasure in enclosing the formal response of North Lanarkshire Council to the Consultation document. For the sake of simplicity the questions in respect of which comments were invited are repeated and the Council's response is detailed immediately below each question.

1. **DO YOU AGREE THAT ALL GAMBLING LICENSING AND PERMITS SHOULD BE THE RESPONSIBILITY OF LICENSING BOARDS ONCE THE GAMBLING BILL BECOMES LAW?**

North Lanarkshire Council would prefer that all gambling licences and permits be the responsibility of Licensing Boards once the Gambling Bill becomes law. North Lanarkshire Council in this regard feel that any confusion regarding whether the regulation of gambling is a function of the Local Board/local authority would be dispensed with and North Lanarkshire Council feels that there is merit in a quasi judicial body like a Licensing Board adjudicating in all gambling matters. The Council is aware that Licensing Boards are already responsible for a number of matters under the Gaming legislation and feel that bringing in other matters (hitherto now dealt with by local Councils) would avoid any confusion. The Council of course notes already that Licensing Boards are responsible for all liquor matters and feels they could adequately cope with the additional business being allocated their way in consequence of all gaming matters coming before them. North Lanarkshire Council in essence warmly endorse this proposal in this regard.

2. **SHOULD ANY ADDITIONAL "RESPONSIBLE BODIES" BE INCLUDED IN THE BILL TO COVER SPECIFIC SCOTTISH INTERESTS?**

North Lanarkshire Council is of the view that the "responsible authorities" or "interested parties" detailed in Sections 130 and 131 of the draft Bill is comprehensive and indeed outlines all the parties/organisations who could conceivably have an interest in making comments/representations regarding any matter under gaming legislation. The view of North Lanarkshire Council, therefore, is that there are no additional "responsible bodies" to be included in the Bill to cover specific Scottish interests.

3. **DO YOU HAVE ANY COMMENTS ON THE PROPOSED POWERS FOR SCOTTISH MINISTERS AND/OR THE SCOTTISH ISSUES ATTACHED?**

North Lanarkshire Council has no difficulties with Scottish Ministers continuing to have a role in setting and varying fees for premises licences and permits. North Lanarkshire Council has no difficulties with Scottish Ministers having power to set regulations governing conditions which Licensing Boards may attach to all types of premises licences issued by Boards under gaming legislation. Further, North Lanarkshire Council has no difficulties with Scottish Ministers having extended powers to make regulations governing the restrictions of opening hours to all types of premises licences. In this respect North Lanarkshire Council feels that Scottish Ministers may on occasion feel the need to respond to changing economic patterns/behaviour and see fit to impose regulations in various matters under gaming legislation with a view to achieving a balance between deregulation of the industry and the need to reflect social responsibility and indeed with a view perhaps to, on occasion, provide for new protections for children and vulnerable adults from the risks intrinsic to gambling.

4. **FOR CLUBS, SHOULD ADDITIONAL GAMBLING FACILITIES (OVER AND ABOVE THOSE THAT ARE EXEMPT) BE LICENSED BY A SPECIAL CLUB GAMING OR CLUB MACHINE LICENCE OR SHOULD THEY BE LICENSED AS A CONDITION ATTACHED TO THE SINGLE PREMISES LICENCE?**

If premises licences are coming into existence in the context of the Nicholson reforms of liquor licensing then it would seem more straightforward simply to include additional gaming facilities for clubs by way of appropriate conditions therein.

5. **IF THE LATTER, SHOULD THOSE ENTITLEMENTS BE SUBJECT TO A PROCESS THAT ALLOWS OBJECTIONS TO BE MADE?**

North Lanarkshire Council see no reason for an application for additional gaming facilities not being subject to potential objections from interest parties.

6. **DO YOU HAVE ANY COMMENTS OF THE SUITABILITY OF THE DEFINITIONS USED IN THE DRAFT BILL FOR SCOTTISH CLUBS?**

North Lanarkshire Council is of the view that the definitions set out for commercial and members clubs and Miner's Welfare Institutes provide the requisite clarity that could distinguish each and make it clear which category of club a particular club premises fell within.

7. **SHOULD WE REMOVE THE RESTRICTION ON ENTERTAINMENT CASINOS BY REVOKING THE RELEVANT PART OF THE EXISTING SCOTTISH REGULATIONS?**

North Lanarkshire Council is of the view that Licensing Boards should be permitted to decide whether or not to allow entertainment at casino premises and with their local knowledge and experience feel they are best placed to decide the level and type of entertainment that would be acceptable in a given locality. In this respect the Council feel Licensing Boards would be aware that some casinos would be situated in residential areas and may not be conducive to some forms of entertainment. North Lanarkshire Council, however, acknowledge that whilst there is merit in the concept that the provision of entertainment adds to the lively atmosphere and provides a more social environment in casinos, the point must always be that gambling must be the primary purpose of gambling premises and the forms of entertainment permitted and on offer should in no way undermine that concept. In the Council's view the Licensing

Board should always be aware that any form of entertainment has to be ancillary to the provision of the gambling facilities on offer.

North Lanarkshire Council hope the above comments are of some assistance in enabling the matter to be brought forward.

Yours faithfully

**Director of Administration**