

2006 No. 636

BETTING, GAMING AND LOTTERIES, ENGLAND AND WALES

The Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006

<i>Made</i> - - - -	<i>5th March 2006</i>
<i>Laid before Parliament</i>	<i>9th March 2006</i>
<i>Coming into force</i> - -	<i>31st March 2006</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 349(4) of the Gambling Act 2005(a).

Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 and shall come into force on 31st March 2006.
- (2) These Regulations shall extend to England and Wales.

Interpretation

2. In these Regulations—
- “the Act” means the Gambling Act 2005;
 - “authority” means a licensing authority within the meaning of section 2 of the Act;
 - “revision” means a revision of a statement under section 349(2) of the Act;
 - “statement” means the statement of principles that the authority is required to prepare under section 349(1) of the Act.

Form of the statement or revision

3. Subject to regulations 4, 5 and 6, the form of the statement or any revision is to be for the authority to determine.
- 4.—(1) The statement shall include an introductory section at or near the beginning, summarising the matters dealt with in the statement.
- (2) The introductory section shall also include—
- (a) a description of the geographical area in respect of which the authority exercises functions under the Act, and

- (b) a list of the persons whom the authority has consulted in preparing the statement.
- (3) The authority may satisfy the requirement in paragraph (a) by including a plan of the area to which the statement applies.

5. The following matters shall each be set out in a separate section within the statement—

- (a) the principles to be applied by the authority in exercising the powers under section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm;
- (b) the principles to be applied by the authority in exercising the powers under section 158 of the Act to determine whether a person is an interested party in relation to a premises licence, or an application for or in respect of a premises licence;
- (c) the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act;
- (d) the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified in that section.

6.—(1) Regulation 4(1) shall apply to a revision as it applies to a statement.

(2) The introductory section of a revision shall include a list of the persons whom the authority has consulted in preparing the revision.

(3) In so far as a revision deals with any of the matters referred to in regulation 5, the form of the revision shall be in accordance with those provisions.

Procedure to be followed in preparing or publishing a statement or revision

7.—(1) Before a statement or revision comes into effect, the authority that prepared it must—

- (a) publish the statement or revision in accordance with paragraph (2); and
- (b) advertise the publication of the statement or revision by publishing a notice in accordance with paragraphs (3) and (4).

(2) The statement or revision must be published by being made available for a period of at least 4 weeks before the date on which it will come into effect—

- (a) on the authority's internet website; and
- (b) for inspection by the public at reasonable times in one or both of the following places—
 - (i) one or more public libraries situated in the area covered by the statement or revision;
 - (ii) other premises situated in that area.

(3) The notice referred to in paragraph (1)(b) shall specify—

- (a) the date on which the statement or revision will be published;
- (b) the date on which the statement or revision will come into effect;
- (c) the internet address where the statement or revision will be published in accordance with paragraph (2)(a); and
- (d) the address of the library or other premises at which the statement or revision may be inspected in accordance with paragraph (2)(b).

(4) That notice shall be published no later than the first day on which the statement or revision is published in accordance with paragraph (2)—

- (a) on the authority's internet website, and
- (b) in or on one or more of the following places—
 - (i) a local newspaper circulating in the area covered by the statement;

- (ii) a local newsletter, circular, or similar document circulating in the area covered by the statement;
- (iii) a public notice board in or near the principal office of the authority;
- (iv) a public notice board on the premises of public libraries in the area covered by the statement.

5th March 2006

Richard Caborn
Minister of State
Department for Culture, Media and Sport

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Gambling Act 2005 (“the Act”) gives licensing authorities various functions in relation to the licensing of premises and issuing of permits for gambling. Under section 349 of the Act, licensing authorities are required to produce, at least every three years, a statement of the principles that they propose to apply when exercising their functions under the Act (“a statement”). A licensing authority may revise a statement at any time during which it has effect.

These Regulations set out requirements as to the form and publication of a statement or a revision of a statement.

Regulation 3 provides for the form of the statement to be for the licensing authority to determine, subject to complying with the requirements specified in regulations 4 to 6.

Regulation 4 requires the statement to include an introductory section summarising the matters contained in the statement, describing the geographical area in respect of which the authority exercises functions under the Act, and listing the persons consulted in preparing the statement. Regulation 5 requires the statement to include four sections which deal separately with the functions mentioned in sub-paragraphs (a) to (d) of that regulation.

Under regulation 6, a revision is also to include a summary of the matters contained in the statement. The introductory section of a revision is also to list the persons whom the authority has consulted in preparing the revision. Where a revision deals with any of the matters referred to in regulation 5 it is to comply with the provisions of that regulation.

Regulation 7 sets out requirements about the advertisement and publication of a statement or revision. The statement or revision must be published on the licensing authority’s website, and in at least one of the places set out in regulation 7(2)(b), for a period of at least 4 weeks before it comes into effect. The authority must advertise the publication of the statement in a notice published in accordance with paragraphs (3) and (4) of regulation 7. The notice must give specified information about the statement or revision, including details about when the statement or revision will be published, when the statement or revision will come into effect, and where it can be viewed.

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