

GAMBLING FOR LOCAL AUTHORITIES: LICENSING, PLANNING AND REGENERATION

General Editor: Philip Kolvin

As local authorities assume responsibility under the Gambling Act 2005 for the major growth industry of gambling, this timely text charts their new terrain simply and succinctly. Written by leading national experts and published by the Institute of Licensing, the book considers the dual regulatory tools of licensing and planning, sets out the principles governing each, and establishes the boundary and interface between them. The text also explains the division of functions between licensing authorities and the national regulator - the Gambling Commission.

As well as a clear exposition of local authority procedures and powers under the Gambling Act, the text raises important issues as to the nature and extent of the statutory discretion the Act confers. This debate has crucial implications for the role, if any, of planning, health and safety, and environmental health authorities, and the involvement of local people and their elected representatives in the licensing process.

There are authoritative chapters on planning, detailing the principles regarding town centre and out of town centre gambling proposals, major gambling resort proposals and planning gain. The optimum location of gambling proposals from a regeneration and social impact perspective will also be considered.

Taking a practical approach to the matters principally concerning local authorities, e.g. the nature of their discretion, role of ward councillors, participation of local people, the use of conditions, the status of policy on appeal and the interface between licensing and planning, this will be a standard reference work for officers and members working in licensing and planning.

A leading team of writers:

- Philip Kolvin, Editor, Licensed Premises: Law and Practice
- Prof. Colin Manchester, Editor, Alcohol and Entertainment Licensing Law
- Jeremy Phillips, Editor, Paterson's Licensing Acts
- Prof. Peter Collins, Editor, Gambling and the Public Interest
- Mark Lowe QC and members of the planning team, 2-3 Gray's Inn Square
- Industry leaders

Written in a clear, accessible style, supplemented by extensive use of diagrams and tables to illustrate the key concepts, this book is designed for reading by all professionals and committee members working in the licensing and planning process relating to gambling. With its insights into the working of the legislation from the regulator's point of view, the book will also be invaluable to other participants in the system, particularly industry operators and representatives.

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Gambling for Local Authorities: Licensing, Planning and Regeneration REVIEWS

*"In this timely and extremely important new book, Philip Kolvin and his team cut through this enormous piece of legislation with a light narrative style, incisive comments and useful practical applications. The book is suitable for anyone with any involvement with the new legislation whether they are from the licensing authority, planning authority, gambling industry or responsible authorities or interested parties. Technical matters are clearly explained, the practical aspects of application and challenge are clarified and the use of the various licences and permissions is detailed and comprehensible. For a book to succeed, it must be both useful and accessible, and **Gambling for Local Authorities: Licensing, Planning and Regeneration** seems set to succeed on both levels. It is highly recommended".*

James Button, PH Law

"This book follows on from Kolvin's excellent volume on the Licensing Act 2003 (Licensed Premises: Law and Practice) and will be warmly welcomed by licensing practitioners. Unlike the 2003 Act, which generated some half dozen volumes, this is the first book on the 2005 Act (aside, of course, from Paterson's Licensing Acts which is in a different price range). While the title defines the book as gambling for local authorities it will be of use to all of those called upon to work with the new legislation (although remote gambling is not covered). Indeed, while parts, such as the section on 'responsibilities of committee members' might be of particular interest to local authorities, they are also helpful to applicants; and the 'legality and enforceability of gambling contracts' section is probably of more interest to contract lawyers and operators than to local authorities.

The Gambling Act 2005, which comes into force on 1 September 2007, contains a new regulatory system for gambling in Great Britain (see (2007) 151 SJ 629-30, 18.05.07). It brings all forms of gambling (aside from the National Lottery and spread betting) into a unified structure under a new regulator, the Gambling Commission. The Act contains 362 sections and 18 schedules and has been accompanied by more than 40 consultation exercises. The secondary legislation is copious.

There is much to take in and assimilate - from detailed requirements for the technical specification of gaming machines to codes of practice to address problem gambling - while several research projects are underway on gambling prevalence and other matters. However, as Kolvin puts it in his Preface, 'The modest objective of this book is to provide a clear explanation of the law relating to the licensing and planning control of gambling clearly and succinctly, principally as it relates to local authorities.' Kolvin and his list of contributors, both academic and practitioner, achieve this objective admirably.

The book is split into two parts. Part I, which takes up three-quarters of the volume, deals with the Gambling Act. It starts with an excellent account of the framework of the new Act, describing and detailing the role of bodies such as the Gambling Commission and licensing authorities, as well as the new definitions of gambling and the licensing objectives. Chapters follow on the three-pronged system of licences (operating, personal and premises) and conclude with enforcement, advertising and transition.

Part II of the book, 'Planning and Regeneration, contains some very useful material on planning issues. Regeneration is of particular topical interest in light of Gordon Brown's recent apparent abandonment of regional casinos and the expressed desire to look elsewhere for regeneration opportunities. However, this part of the book strays from Kolvin's statement in his Preface that 'I have not set out to theorise, speculate or critique.' This is especially true of Peter Collins' chapter on 'Harnessing casinos to regeneration in the UK'. Further, this chapter presents arguments that are far from universally accepted and pays little regard to the issue of social harm raised by Mark Griffiths in his Foreword to the book. A chapter from someone like Jim Orford would have been welcome to balance the arguments.

The law is stated as at the end of 2006 when much of the secondary legislation was still in draft form. The authors have done a good job of including this where appropriate but no doubt a supplement will be produced once the regulations are published. A decision has been taken not to include the Act or any other material in the volume. This is understandable in order to keep the book to a manageable size and as the material is easily accessible on the internet. It would have been useful though to have the Act at least reproduced in the book,

*The chapters are ably written and well laid out. Its style makes for easy reading. The book provides a much needed route map through the twists and turns of the Act. It is a clear concise and timely addition to the literature which will be of great assistance to those needing to get to grips with the new regulatory system. The only concern is some of the regeneration material which presents only one side of the argument. Aside from this caveat, **Gambling for Local Authorities** can be strongly recommended and is excellent value".*

Roy Light, professor of law UWE, barrister, St John's Chambers, Bristol

Gambling for Local Authorities: Licensing, Planning and Regeneration REVIEWS

"Kolvin's book provides answers for the many challenges facing local authorities under the new legislation. It is a good advert for the legal profession."

Dr. Mark Griffiths, Professor of Gambling Studies, Nottingham Trent University

*"Those who have read thus far in this edition of **Licensing Review** will recognise that we are still in the midst of veritable avalanche of secondary legislation and regulation on the subject of gambling. It is therefore immensely brave of Philip Kolvin and his team of writers to venture into the subject with such a specific and all-embracing title, well ahead of the start of the new regime.*

That being said, it is introduced by Mr Kolvin as having a 'modest objective' of presenting a clear and succinct explanation of the laws which will apply as from 1 September this year, and how they will affect local authorities. In the first part he has admirably succeeded in presenting the framework of the new law as laid out in the 362 sections and 18 schedules of the Act itself, together with the Guidance and Codes of Practice so far issued by the Gambling Commission. So the book is an introduction and a resume; its tables and charts are based on the application procedures which are currently available, the offence provisions and such matters as mandatory conditions. There are comprehensive in their coverage – indeed far beyond what most local authorities would need in terms of their day-to-day role. But in terms of a first reference work, it is extremely useful to read through as an introduction to the principles of the new control regimes.

Established and competent legal writers such as Professor Colin Manchester and Jeremy Phillips – both published authors of important licensing books in their own right – have contributed some of the early 'meat' on the law and procedures. As one would expect, there are clear and intelligible, even for those readers who may consider themselves comparative laymen on the subject. They have left to others to add both conjecture and, it must be said, some high-flown legal argument and debate on aspects of the new law as yet untried in the courts.

Once again, it might be said that the book attempts to be all things to all men. If it is aimed at local authorities, the planning and regeneration elements would be likely to appeal to the higher levels of management who are involved in strategic issues, and who would not in truth wish to study the basic concepts of gambling law. Conversely, local authority licensing practitioners are clearly not so aspirational and are more concerned with a second wave of forms, hearings and paperwork which they will face in very short order. They will, due to the timing, look in vain for more than one Appendix dealing with regulations which will be their bread and butter in the months and years to come.

But the dynamism and commitment of the Editor is not in doubt, so the book is a testimony to the changed landscape and lifting of local authority regulation to a higher plane. Wearing the badge of the Institute of Licensing as it does, this volume is as much an advertisement for the new order as it is a valuable contribution to modern gambling knowledge".

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