

EXECUTIVE NOTE

Gambling Act 2005 (Licensing Authority Policy Statement) (Scotland) Regulations 2006 S.S.I. 2006/154

The above instrument, which extends to Scotland only, was made in exercise of the powers conferred by section 349(4) and (5) of the Gambling Act 2005 (c.19). The instrument is subject to negative resolution procedure.

Policy Objectives

Section 349 of the Gambling Act requires licensing authorities (Licensing Boards in Scotland) to prepare a licensing policy statement describing the principles they intend to apply in exercising all of their functions under the 2005 Act. These include issuing premises licences, temporary use notices and a range of permits and other permissions. To assist authorities in this task, and to provide transparency for those wishing to apply to an authority for permission under the Act, all authorities are required to prepare and publish a licensing policy statement following widespread consultation.

The policy will have effect for 3 years, but the authority may review and alter the policy during that period. Section 349(5) empowers Scottish Ministers to make regulations about the statements, procedures and their publication. Comprehensive guidance on what all should be included in the policy statement will be set out in guidance from the Gambling Commission (the new regulatory body for Great Britain) issued under section 25 of the Act.

Consultation

A draft of the instrument issued for consultation on 5 December 2005 to 180 interested parties including local authorities, Licensing Boards, those involved in the provision of gambling, their trade associations, legal interests, club associations, faith groups and charitable groups. The draft regulations and consultation paper were also posted on the Scottish Executive's consultation website. The Executive received 11 responses as at the closing date of 24 February 2006, which were considered before finalising this instrument. The individual responses, an analysis of their comments and the Executive's response will be posted on the Executive's consultation website.

Financial Effects

The instrument has no financial effects on the Scottish Executive, local government or on business generally. There will be minimal costs to licensing authorities in terms of the advertisement and publication of policy statements and reviews, but these costs will be passed on to the gambling industry via premises licence fees. However, by providing authorities with a variety of options in terms of the advertisement and publication of the statements and reviews, the costs passed on should not be significant.

Scottish Executive Finance and Central Services Department
15 March 2006