

Licensing Committee Report
Report of the Licensing Team Leader
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Gambling Act 2005: Local Area Profile

Executive Summary

The Gambling Act 2005 requires the Council as licensing authority to prepare and publish a Statement of Principles every three years. The existing Statement of Principles was published in January 2016 and is due for renewal by January 2019. The Statement can be revised at any time.

During the development of the current statement, there were some changes in the recommended approach to gambling licensing and regulation, as expressed in guidance published by the Gambling Commission, which recommended that Local Authorities produce a local area profile examining the risks associated with gambling in the area.

A draft Local Area Profile for the Guildford Borough has been produced and has been consulted upon with interested parties and the public as per the report to Licensing Committee on 22 March 2017.

This report seeks to inform the Committee of the results of the consultation and asks the Committee to recommend the revision of the Statement of Principles to include the Local Area Profile within the current Statement.

Recommendation to Licensing Committee

That the Committee recommends to Council the revision of the Gambling Act 2005 Statement of Principles 2016-2019 to include the Local Area Profile.

Reasons for Recommendation:

To ensure that the current Statement of Principles reflects the latest guidance and best practice from the Gambling Commission.

1. Purpose of Report

- 1.1 The report informs the Committee of the proposed addition of a Local Area Profile to the current Gambling Act 2005 Statement of Principles.
- 1.2 It asks the Committee to recommend to Council the revision of the current Statement of Principles to include the proposed Local Area Profile.

2. Strategic Framework

- 2.1 Adopting a Local Area Profile within the Gambling Act Statement of Principles 2016-2019 will contribute to our fundamental themes and priorities as follows:

Economy – supporting business, growth and employment

Sustainability – safe borough

- 2.2 The statement of principles balances the right of an applicant to make an application under the Gambling Act 2005 (the Act) and to have the application considered on its merits, against the right of any person to make representation on an application or to seek a review of an existing licence.
- 2.3 An appropriate balance will help gambling businesses to develop successfully whilst providing assurance to the public and protecting children and vulnerable persons.
- 2.4 The Local Area Profile will assist industry operators in the borough to identify localised risks gambling venues pose to the licensing objectives, including the protection of young and vulnerable people and to introduce preventative controls.

3. Background

- 3.1 The Council is the licensing authority for the purposes of the Act, which requires the Council to prepare a Statement of Gambling Principles that it proposes to, apply in exercising its functions under the Act.
- 3.2 The statement of principles sets out the general approach the Council will take when carrying out its regulatory role under the Act and promoting the three licensing objectives:
 - preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
 - ensuring that gambling is conducted in a fair and open way
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.3 The Act was designed to be a light touch piece of legislation covering a wide range of licensable activities such as adult gaming centres and betting premises.

3.4 The current statement was adopted by Council in December 2015, with the renewal date being January 2019.

4. Local Area Profile

4.1 During the development of the current statement, there were some changes in the recommended approach to gambling licensing and regulation, as expressed in guidance published by the Gambling Commission (5th Edition, September 2015). These changes can be summarised into three broad themes:

- Increased focus on risk and regulation
- Greater attention to local area risk, and;
- Encouragement of partnership and collaboration between stakeholders to mitigate risk

4.2 From April 2016, all industry operators have to undertake local area risk assessments to explore what risks gambling venues pose to the licensing objectives, including the protection of young and vulnerable people.

4.3 The 5th edition of the guidance to Local Authorities from the Gambling Commission recommends that Local Licensing Authorities develop a Local Area Profile, although there is little guidance available about what should be contained within a local area profile.

4.4 Using research commissioned by Westminster and Manchester Councils, a Local Area Profile for Guildford has been developed.

5. Consultation

5.1 On 22 March 2017, Licensing Committee approved public consultation on the draft local area profile.

5.2 The legislation specifies those persons and groups that the Council has a duty to consult with. We have written to the following individuals and groups inviting comments on the draft local area profile:

- the chief officer of police
- the responsible authorities listed in Appendix B of the Statement of Principles
- the consultees listed in Appendix C of the Statement of Principles who are either people representing the interests of persons carrying on gambling businesses or persons who may be affected.

5.3 We have also used social media to inform the public of the consultation and directed them to the consultation on our website.

5.4 The consultation ran from 11 July to 13 October 2017. We received one comment from the contact of a registered Small Society Lottery, which queried the relevance of a local area profile to Society Lotteries, and the necessity to regulate Society Lotteries.

5.5 As the consultation did not suggest any changes to the draft Local Area Profile, no further changes to the version consulted upon are proposed.

6. Financial Implications

- 6.1 The financial implications associated with the revision of the Statement of Principles can be financed from the Licensing budget.

7. Legal Implications

- 7.1 Section 349(1) of the Gambling Act 2005 requires the Council, as licensing authority, to prepare and publish a statement of principles to cover each successive period of three years. Section 349(2) requires the Council to review the statement from time to time, revise the statement if thought necessary as a result of the review and publish the revision before giving effect to it.

- 7.2 In preparing the revision, the Council must consult the following people for its area:

- a) The chief officer of police
- b) People representing the interests of persons carrying on gambling businesses
- c) Persons who represent the interests of persons who are likely to be affected by the Council exercising its functions under the Act

- 7.3 Before a statement or revision comes into effect, the regulations require licensing authorities to publish a notice of their intention to publish a statement or revision. The notice must:

- specify the date on which the statement or revision is to be published
- specify the date on which the statement or revision will come into effect
- specify the internet address where the statement or revision will be published and the address of the premises at which it may be inspected
- be published on the authority's website and in/on one or more of the following places for at least four weeks before it comes into effect:
 - a local newspaper circulating in the area covered by the statement
 - a local newsletter, circular, or similar document circulating in the area covered by the statement
 - a public notice board in or near the principal office of the authority
 - a public notice board on the premises of public libraries in the area covered by the statement.

- 7.4 Upon recommendation from the Licensing Committee, the revised Statement of Principles will be presented for approval at Full Council on 7 February 2018.

8. Human Resource Implications

- 8.1 There will not be any additional human resource implications associated with the revision of the Statement of Principles.

9. Conclusion

- 9.1 The Act requires the Council to prepare a Statement of Gambling Principles, which may be reviewed and revised at any time and requires that we consult on the proposed revision. That consultation has now been carried out.
- 9.2 Following recommendation of the Licensing Committee, a further report will be presented to Full Council requesting the adoption of the revised Statement of Principles.

10. Background Papers

[Gambling Act 2005 Statement of Principles 2016-19](#)

[Gambling Commission Guidance to licensing authorities 5th edition September 2015](#)

11. Appendices

Appendix I: Consultation Response Received

Appendix II: Draft Gambling Act 2005 Guildford Local Area Profile