

<b>General Licensing Committee Meeting</b>	
<b>Meeting Date</b>	20 <sup>th</sup> February 2020
<b>Report Title</b>	Gambling Act 2005: Local Area Profile
<b>Cabinet Member</b>	Cllr Richard Palmer, Cabinet member for Community
<b>SMT Lead</b>	David Clifford
<b>Head of Service</b>	Della Fackrell, Resilience & Licensing Manager
<b>Lead Officer</b>	Mohammad Bauluck, Licensing Officer
<b>Key Decision</b>	No
<b>Classification</b>	Open
<b>Recommendations</b>	1. That the Committee recommends to the Council the revision of the Gambling Act 2005 Statement of Principles 2019 – 2022 to include the Local Area Profile.

## **1 Executive Summary**

- 1.1 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 February 2019 and will be due for renewal in February 2022. The Statement can be revised at anytime.
- 1.2 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.
- 1.3 A draft Local Area Profile for the Swale Borough has been produced. The Council has a duty to consult on the proposed addition to the Policy and officers are seeking approval to conduct the consultation.
- 1.4 Following consultation a further report will be presented to the next session of the Licensing Committee with the results of the consultation and seeking approval to the draft Local Area Profile for inclusion with the current Statement of Principles

## **2 Recommendation to Licensing Committee**

- 2.1 That the Committee approves the draft Local Area Profile for public consultation and instructs officers to carry out the consultation over a 12 week period.

### **Reasons for recommendation**

- 2.3 To obtain the views of interested parties on the proposed Local Area profile to be included within the current Statement of Principles and use these views to formulate any changes to the profile.

### **3 Proposals**

- 3.1 The report informs the Committee of the proposed addition of a Local Area profile to the current Gambling Act 2005 Statement of Principles.
- 3.2 It asks for the Committee to approve the public consultation exercise on the proposed Local Area Profile in Appendix I

### **4 Strategic Framework**

- 4.1 Adopting a Local Area profile to accompany the Gambling Act Statement of Principles 2019 – 2022 will contribute to our fundamental themes and priorities as follows:  
  
Economy – Supporting business, growth and employment  
Sustainability – Safe Borough
- 4.2 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.
- 4.3 An appropriate balance will help gambling businesses to develop successfully whilst proving assurance to the public and protecting children and vulnerable persons.
- 4.4 The Local Area Profile will assist industry operators in the Borough to identify localised risk gambling venues pose to the licensing objectives, including the protection of young and vulnerable people; and take preventative controls.

### **5 Background**

- 5.1 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.
- 5.2 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.
- 5.3 The Act was designed to be a light touch piece of legislation covering a wide range of licensable activities such as adult gaming centre and betting premises.

## **6. Proposed Changes**

6.1 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 (5<sup>th</sup> Edition, September 2015)

These changes can be summarised into three broad themes:

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

6.2 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.

6.3 The 5<sup>th</sup> edition of guidance to Local Authorities from the Gambling Commission recommends that Local licensing Authorities develop a Local Area Profile.

6.4 We are seeking the permission of the Licensing Committee to undertake public consultation on this proposed addition to the current statement of principles.

## **7. Consultation**

7.1 Consultation is critical to ensure any changes to the Statement of Principles are clear and transparent for businesses, responsible authorities and the public.

7.2 The Legislation specifies those persons and groups that the Council has a duty to consult with.

7.3 If the Committee approves the revision to the Statement of Principles, we will follow our consultation standards over a 12 week period to ensure we consult with the all the Statutory Consultees.

7.4 Methods of consultation will be by advertising on the Council's website and in a local newspaper, by emails, post and social media.

7.5 Proposed Consultees will be:

- All Councillors
- Parish Councils
- Kent Police
- Kent Fire and Rescue
- Kent County Council Trading Standards
- Gambling Commission
- Swale BC Planning Department
- Swale BC Environmental Health Department
- HM Revenue and Customs
- Children's Safeguarding Services
- Relevant trade associations
- Any Premises Licence holders issued by Swale Borough Council

- Any Permit holders issued by Swale Borough Council
- Any Small Lottery Licence issued by Swale Borough Council
- GamCare
- Gamblers Anonymous UK
- NHS Swale CCG
- Samaritans
- Citizen Advice Bureau
- Responsible Gambling Trust

7.6 All incoming responses shall be entered onto a grid for consideration. The Resilience and Licensing Manager together with licensing officers will conduct an evaluation of each response and give a recommendation as to whether or not to amend the Local Area Profile. The grid and recommendations will be put before General Licensing Committee prior to formal adoption.

## 8. Implications

Issue	Implications
Corporate Plan	Making Swale a better place A Council to be proud of
Financial, Resource and Property	There are no financial implications arising from this report.
Legal and Statutory	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 result of the review and publish the revision before giving effect to it.
Crime and Disorder	Fulfilling powers and duties under the Gambling Act 2005 is of direct relevance to the Councils duties under Section 17 of the Crime and Disorder 1998 in that the objectives of the Act are: <ul style="list-style-type: none"> <li>• Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime</li> <li>• Ensuring that gambling is conducted in a fair and open way</li> <li>• Protecting children and other vulnerable persons from being harmed or exploited by gambling</li> </ul>
Environmental Sustainability	No implications
Health and Wellbeing	No implications

Risk Management and Health and Safety	It is important that Swale BC has a robust and accountable regulatory regime in relation to gambling in order to ensure fair trading, prevent crime and to protect consumers.
Equality and Diversity	The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.
Privacy and Data Protection	As the register will involve the processing of personal data, GDPR and Data Protection Act 2018 principles will need to be followed

## 7 Appendices

Appendix I: Draft Gambling Act 2005 Swale Local Area Profile

## 8 Background Papers

Gambling Act 2005

Gambling Commission Guidance to licensing authorities 5th edition September 2015

Gambling Commission's Licence Conditions and Codes of Practice (LCCP)