

<b>Licensing Act 2003 Committee</b>	
<b>Meeting Date</b>	9 <sup>th</sup> September 2021
<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>	Charlotte Hudson, Head of Housing, Economy and Community Services
<b>Head of Service</b>	Charlotte Hudson, Head of Housing, Economy and Community Services
<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 adopting the Local Area Profile under the Gambling Act 2005

## **1 Purpose of Report and Executive Summary**

- 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. This section should provide a brief summary of the purpose of the report and its main conclusions.
- 1.2 It asks the Committee to recommend to the Council the adoption of the proposed Local Area Profile.

## **2 Background**

- 2.1 From 2016 all gambling operators have to undertake local risk assessments to explore what risks gambling venues pose to the licensing objectives, including the protection of young and vulnerable people.
- 2.2 The 5th Edition of Guidance to the Local Authorities from the Gambling Commission recommends that local authorities create new and unique localised policies and also carry out an assessment of their local environment called a 'Local Area Profile' (LAP) to identify the local risk of gambling-related harm and to inform the Policy. Risk in this context includes potential and actual risk and can take into account possible future and emerging risks.
- 2.3 The completion of a LAP is not compulsory however it recognises that there are significant benefits for both the Council and operators, in having a better awareness of the local area in relation to gambling-related risks. However, the creation of a LAP is dependent on information and knowledge of the local area and knowledge of the impact gambling may have. Officers have carried out an assessment to identify the areas of concern and intend to publish a Local Area Profile separate to the Gambling Act Statement of Principles Policy document. The reason for this is it will enable the LAP to be kept under regular review so that if amendments are

considered necessary, they can be made without the necessity of amending the full policy.

- 2.4 Premises licence holders are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in the Statement of Principles and any published Local Area Profile.

### **3 Proposals**

- 3.1 A draft Local Area Profile has been prepared and is attached at Appendix I.

### **4 Available Options**

- 4.1 Swale Council could choose not to adopt a Local Area Profile. However, this would be contrary to the recommendations of the Gambling Commission. The 5th Edition of Guidance to the Local Authorities recommends that all licensing authorities develop a Local Area Profile.

### **5 Consultation Undertaken**

- 5.1 On 20<sup>th</sup> February 2020, the 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:

- All ward Councillors
- Parish and Town Councils
- Kent Police
- Kent Fire and Rescue
- Kent County Council Trading Standards
- Gambling Commission
- Swale Council Planning Department
- Swale Council Environmental Health department.
- HM Revenues and Customs
- Children's Safeguarding Services
- Any premises licence holders issued by Swale Borough Council.
- Any Small lottery licence issued by Swale Borough Council
- Gamcare
- Gamblers Anonymous UK
- NHS Kent & Medway CCG
- Citizen Advice
- Responsible Gambling Trust

- 5.3 The consultation ran from 5th July 2021 until 13th August 2021 We received 3 responses during the consultation period. One of them had no comments to make and the other two of the comments are in support of the Local Area Profile.
- 5.4 The responses were entered onto a grid for consideration. The grid is listed at Appendix II

## 6 Implications

Issue	Implications
Corporate Plan	Make Swale a better place. A Council to be proud of.
Financial, Resource and Property	There are no financial implications arising from this report.
Legal, Statutory and Procurement	Section 349(1) of the Gambling Act 2005 requires the Council, as a licensing authority to prepare and publish a statement of Principles to cover each successive period of 3 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.
Crime and Disorder	<p>Fulfilling powers and duties under the Gambling Act 2005 is of direct relevance to council duties under Section 17 of the Crime and Disorder Act 1998 in that the objectives of the Act are:</p> <ul style="list-style-type: none"> <li>• Preventing gambling from being a source of crime and disorder.</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>
Environment and Climate/Ecological Emergency	No implications
Health and Wellbeing	Gambling addiction can cause serious financial problems and impact on the mental health and wellbeing of the person addicted as well as their families.
Safeguarding of Children, Young People and Vulnerable Adults	Gambling addiction can cause serious financial problems and impact on the mental health and wellbeing of the person addicted as well as their families. The Statement of Principles must reflect that it has considered the licensing objective of “Protecting children and other vulnerable persons from being harmed or exploited by gambling”.
Risk Management and Health and Safety	It is important that Swale Borough Council 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**

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Draft Gambling Act 2005 Swale Local Area Profile
- Appendix II: Consultation responses received

## **8 Background Papers**

- Gambling Act 2005
- Gambling Commission Guidance to licensing authorities 5<sup>th</sup> Edition September 2015