

GAMBLING COMMISSION



Statement of gambling licensing policy **A councillor's guide** (England & Wales only)

It is a legal requirement for each licensing authority (LA) to prepare a Statement of Policy they propose to apply in exercising functions under the Gambling Act 2005.

It must be reviewed every 3 years. All LAs are required to publish a revised Statement in January 2019. This applies even if amendments have been made during the 3 year period.

The Gambling Act 2005

There are three licensing objectives under the Act. Keeping crime out of gambling, ensuring it is fair and open and protecting children and other vulnerable people from being harmed by gambling.

There are 4 principles to inform a licensing authority as to how it carries out its duties:

- our codes of practice that apply to licensed gambling operators and to pubs and clubs
- our Guidance to Licensing Authorities
- the licensing objectives above
- **Your own Statement.**

The Statement

The function of the Statement is to reflect **locally specific** gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area.

This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required. It also reduces the risk of matters being escalated to a licensing committee.

But we don't get any complaints!

It may well be the case that you receive very few, or no complaints about gambling. You are highly unlikely to do so.

Unlike other regulated areas, such as alcohol or drugs, gambling is much less visible as a concern for residents. The problem gambler or the under 18 who gambles are very unlikely to contact you or the LA to complain. The nature of co-regulation requires both LAs and the Commission to engage in inspection and enforcement. **Unless an LA proactively conducts inspections you will not know what the true compliance picture looks like.** Critically, you have no means of knowing whether the necessary protections, especially for the young and vulnerable, are in place and working effectively.

Importantly, unless inspections and enforcement against illegality are conducted it unfairly penalises those who are compliant.



Consult with responsible authorities

The Act specifies a list of responsible authorities with whom you must consult (s157). Along with those you'd expect such as police, you must include a body whose functions include the protection of children from harm. You might consider your **Safeguarding Board**.

Another body which can also help to inform the strategic picture and approach as well as inform the local area profile (LAP) is **Public Health**. Given the range of co-morbidities associated with addictions it is likely that some of those presenting with one specific condition may be experiencing gambling-related harm as well.

Local area profile (LAP)



You should develop a 'heat map' or local area profile of your council area. Completion of a LAP is not a requirement but there are significant benefits for both the LA and businesses in having a better awareness of the local area and risks (both *potential* and *actual*).

An effective LAP is likely to take account of a wide range of factors, data and information already held by the LA and its partners.

Gambling operators' responsibilities

Licence conditions and codes of practice (LCCP) issued by the Commission formalise the need for operators to consider local risks.

Social responsibility code 10.1.1 requires licensees 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 LA's Statement.

A licensing authority can request that the licensee share a copy of its own risk assessment which will set out the measures the licensee has in place to address specific concerns.

How is gambling regulation financed?

Compliant businesses would rightly expect their fees to be (partly) spent on the pursuit of the non-compliant and the illegal.

LAs in England and Wales can set their own gambling fees but 'shall aim to ensure that the income from fees... as nearly as possible equates to the costs of providing the service to which the fees relates'. DCMS set an upper limit for premises fees in England and Wales.



Unless an LA can provide the necessary justifications, where income exceeds expenditure, or vice versa, there should be an adjustment of fees levels to bring them into balance. Fees should be reviewed annually.



Further information

The licensing authorities section of our website provides toolkits on the topics mentioned above as well as examples of how other authorities have approached their Statement.

keeping gambling fair and safe for all
www.gamblingcommission.gov.uk