

Licensing Committee**10 June 2016****Gambling Act 2015 Local Area Profiles****1. Summary Statement**

- 1.1 Section 349 of the Gambling Act 2005 (the Act) requires the Council as the Licensing Authority to prepare and publish its own Statement of Principles as to how it intends to carry out its licensing functions under the Act.
- 1.2 The Council's current Statement of Principles was approved by the full Council 20th October 2015.
- 1.3 In 2015 The Gambling Commission introduced new provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks.
- 1.4 Although gambling is a legal entertainment activity it can, in some locations, have a negative impact on individuals and the wider community. The Licensing Authority has also been looking to identify areas where there may be negative impact by developing Local Area Profiles.
- 1.5 The Licensing Authority considers that these local risk assessments are a key component of the overall assessment and management of the local risks.

2. Recommendation

- 2.1 That the Licensing Committee endorses the approach taken in implementing the Local Area Profiles.

David Stevens**Director – Adult Social Care, Health and Well Being**

Contact Officer

Bob Charnley
Trading Standards and Licensing
Manager
0121 569 6592

3. Strategic Resource Implications

- 3.1 There are no strategic resource implications arising from this report. The implications for resources arising from any matters considered by the Committee are included within the relevant reports to the Committee and referred to in the main body of the Annual Report as necessary.

4. Legal and Statutory Implications

- 4.1 Section 2 of the Gambling Act 2005 states that the Council is a licensing authority. The Gambling Act 2005 places a duty on the Council to undertake the licensing functions specified in the Act.
- 4.2 Section 154 of the Gambling Act 2005 provides that all decisions, subject to exceptions, relating to premises licences are delegated to the licensing committee of the authority that has been established under Section 6 of the Licensing Act, 2003.
- 4.3 Section 154(3) of the Gambling Act, 2005 states that Section 10 of the Licensing Act 2003 shall apply in relation to a function delegated to a licensing committee as they apply in relation to a function delegated under that Act.

5. Implications for the Scorecard Priorities

- 5.1 The Gambling Act 2005 has three licensing objectives, as follows:-
- (a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - (b) Ensuring that gambling is conducted in a fair and open way;
 - (c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

5.2 The Licensing function specifically impacts on the following Scorecard priorities:-

- i) Great Prospects – Investing in people, business and jobs - Licensed establishments provide a proportion of employment in the Borough, as such they provide an important part of the borough's economy;
- ii) Great Place – cleaner streets, more recycling and safer neighbourhoods – the Gambling Act contribute to upholding and improving safety within the borough for its residents.

6. Background Details

6.1 Sandwell Metropolitan Borough Council is a Licensing Authority under the Act. The Licensing Authority is responsible for considering and determining applications for premises licences which offer gambling facilities within the Borough. The Licensing Authority also has a role in gambling regulation by ensuring compliance with the Act.

6.2 The Act contains three licensing objectives which guide the way that the Licensing Authority performs its functions and the way that gambling operators carry on their activities. They are:-

- (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.
- (b) ensuring that gambling is conducted in a fair and open way.
- (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

6.3 The Act places a legal duty on the Licensing Authority to aim to permit gambling in so far as it thinks it reasonably consistent with the licensing objectives. The effect of this duty is that the Licensing Authority must approach its functions in a way that seeks to regulate gambling by using its powers where appropriate, for example to attach conditions to licences to moderate their impact on the licensing objectives, rather than by setting out to prevent gambling altogether.

- 6.4 The Licensing Authority will set out how it intends to carry out its functions under the Act in its Statement of Licensing Principles, also known as Licensing Policy. This statement is kept under review and is updated every three years and was last reviewed in 2015.
- 6.5 The Commission is responsible for issuing operating licences to gambling operators who are deemed suitable and competent to provide facilities for gambling. As a requirement of these operating licences operators must ensure that they comply with and meet the requirements of the LCCP.
- 6.6 Although gambling is a legal entertainment activity it can, in some locations have a negative impact on individuals and the wider community.
- 6.7 The Licensing Authority recognises that it is not a mandatory requirement to have a local area profile however the Licensing Authority believes that a local area profile will assist licence holders in producing their risk assessments. In order to produce a local area profile, the Licensing Authority requested data from a number of bodies including the Responsible Authorities in order to assess any potential and actual risks relating to gambling within the District.
- 6.8 Enquiries with relevant organisations have not revealed any data to suggest that there are any areas within the Borough that could be identified as a risk.
- 6.9 However, the local area profile plan is required to identify any potential risks that might arise, therefore in light of current research into gambling, the Licensing Authority has identified the following potential risk areas and provided additional information to assist licence holders;
- Children, Adolescents and Young Adults
 - Mental Health
 - Unemployment
- 6.9 The data will be published on the Councils website along with guidance for applicants which sets out how they should use the data in preparing their risk assessments.

Source Document and Further Information

The Gambling Act 2005 (2005 Chapter 19)

The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales)

Regulations 2006 (SI 2006 No.636)

Sandwell Metropolitan Borough Council Gambling Policy Statement

[Gambling and Lottery Policy | Gambling and lottery licences | Sandwell Council](#)

Guidance to Licensing Authorities 5th Edition March 2015 published by the Gambling Commission

<http://www.gamblingcommission.gov.uk/pdf/GLA5---March-2015.pdf>

Gambling Regulation Councillor Handbook (England and Wales) June 2015 published by the Local Government Association

http://www.local.gov.uk/publications-list/-/journal_content/56/10180/7356416/PUBLICATION

[Problem Gambling Frequently Asked Questions August 2013 published by the Local Government Association in association with Public Health England](#)

Appendix 1 Data Used to Build Local Area Profiles

- Indices of Deprivation Overall Score by LSOAs, graded by severity from light to dark blue
- Indices of Deprivation Income Score by LSOAs, graded by severity from light to dark blue
- Indices of Deprivation Employment Score by LSOAs, graded by severity from light to dark blue
- Indices of Deprivation Crime Score by LSOAs, graded by severity from light to dark blue
- Well-Being Scores by Ward graded by severity from light to dark blue
- GP Surgeries with Depression Prevalence scores of 5% or over, graded by severity from light to dark blue
- GP Surgeries with Mental Health Prevalence scores of over 1%, graded by severity from light to dark blue
- GP Surgeries with Mental Health Prevalence score of over 1%, graded by severity from light to dark blue