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Social Responsibility in Gambling – The Role of the Local Authority

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For discussion

- Context
- The Four Phase Approach
- S.153 of the Gambling Act 2005
- Gambling Commission Guidance to Local Authorities
- Local Area Profiles
- Local Risk Assessments
- Test Purchasing
- Reviews
- The White Paper

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Licensed Premises

- The number of licensed premises is in decline

	March 2012	March 2021
AGC	2,247	1,381
Betting	9,128	6,462
Bingo	646	584
Casino	146	7*
FEC	295	191
Total	12,462	8,625

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The Four Phase Approach

- **Police approach to coronavirus restrictions**
 - **Engage**
 - Try to establish "awareness and understanding of the situation".
 - **Explain**
 - officers "try to education people"
 - **Encourage**
 - encourage people to "act reasonably".
 - **Enforce**
 - "as a last resort...only if it is a necessary and proportionate means of ensuring compliance"

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s.153 of the Gambling Act 2005

Principles to be applied

- (1) In exercising their functions under this Part a licensing authority shall aim to permit the use of premises for gambling in so far as the authority think it—
 - (a) in accordance with any relevant code of practice under section 24,
 - (b) in accordance with any relevant guidance issued by the Commission under section 25,
 - (c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)), and
 - (d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).
- (2) In determining whether to grant a premises licence a licensing authority may not have regard to the expected demand for the facilities which it is proposed to provide.

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Gambling Commission Guidance to Local Authorities

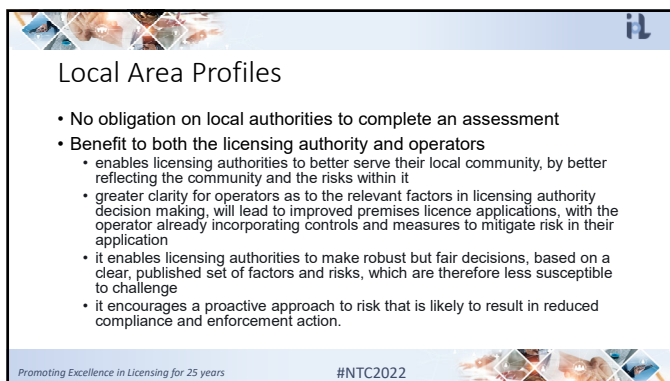
5 - Statutory aim to permit gambling

- **1.20**

The Act places a legal duty on both the Commission and licensing authorities to aim to permit gambling, in so far as it is considered to be reasonably consistent with the pursuit of the licensing objectives.

The effect of this duty is that both the Commission and licensing authorities must approach their functions in a way that seeks to regulate gambling by using their powers, for example, powers to attach conditions to licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether.

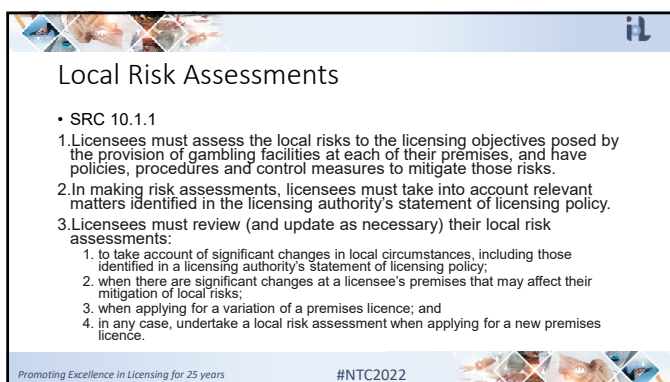
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Local Area Profiles

- No obligation on local authorities to complete an assessment
- Benefit to both the licensing authority and operators
 - enables licensing authorities to better serve their local community, by better reflecting the community and the risks within it
 - greater clarity for operators as to the relevant factors in licensing authority decision making, will lead to improved premises licence applications, with the operator already incorporating controls and measures to mitigate risk in their application
 - it enables licensing authorities to make robust but fair decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge
 - it encourages a proactive approach to risk that is likely to result in reduced compliance and enforcement action.

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Local Risk Assessments

- SRC 10.1.1
- 1. Licensees must 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.
- 2. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.
- 3. Licensees must review (and update as necessary) their local risk assessments:
 1. to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
 2. when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 3. when applying for a variation of a premises licence; and
 4. in any case, undertake a local risk assessment when applying for a new premises licence.

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Factors to consider Local Area Profiles and Risk Assessments

- Schools, sixth form colleges, youth centres, etc, with reference to the potential risk of under-age gambling
- Hostels or support services for vulnerable people,
- Religious buildings
- The surrounding night time economy, and possible interaction with gambling premises
- Patterns of crime or anti-social behaviour in the area, and specifically linked to gambling premises
- The socio-economic makeup of the area
- The density of different types of gambling premises in certain locations
- Specific types of gambling premises in the local area

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	April 2012 – March 2013	April 2012 – March 2022
Inspections	6,661	1,826
Test Purchasing Inspections	98	36
Total	6,759	1,852

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- Think 21 or Think 25 policy
- Regular test purchasing to be undertaken, to ensure the licensee monitors the effectiveness of their controls
- Use of magnetic locks to restrict access to premises
- Use of an infra-red beam system to alert staff to the presence of customers in age-restricted areas
- Barriers to reduce the risk of children crossing from family entertainment centre premises into adult gaming centre premises
- Re-positioning of gaming machines away from entrances to adult gaming centre premises, to reduce the attraction of children to those areas
- Induction and refresher training for staff

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- **s.197 of the Gambling Act 2005**
 - A responsible authority or interested party may apply to the licensing authority for a review by the authority of a premises licence.
- **s.200 of the Gambling Act 2005**
 - licensing authorities may initiate a review in relation to a particular premises licence or a particular class of premises licence.
- **s.198 – rejection of an application for review**
 - A licensing authority may reject an application under section 197 for the review of a premises licence if they think that the grounds on which the review is sought—
 - (a) do not raise an issue relevant to the principles to be applied in accordance with section 153,
 - (b) are frivolous,
 - (c) are vexatious,
 - (d) will certainly not cause the authority to wish to take action of a kind specified in section 202(1),
 - (e) are substantially the same as the grounds specified in an earlier application under section 197 in respect of the premises licence, or
 - (f) are substantially the same as representations made under section 161 in relation to the application for the premises licence.

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Actions on Review

- s.202 Gambling Act
- As a result of a review of a premises licence under section 201 a licensing authority may—
 - (a) revoke the licence;
 - (b) suspend the licence for a specified period not exceeding three months;
 - (c) exclude a condition attached to the licence under section 168 or remove or amend an exclusion;
 - (d) add, remove or amend a condition under section 169.

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Gambling Act – The White Paper

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