

Licensing & Regulatory Committee

4 November 2024

Report from the Director – Environment, Transport and Planning

Gambling Act 2005 – Statements of Licensing Policy

Summary

1. This report advises Members of the review of the Councils Statement of Licensing Policy (the Policy) and the consultation undertaken.
2. The report seeks a recommendation to Council that the Policy be approved.
3. The report also seeks permission to publish the revised Local Area Profile.

Recommendations

4. That Members approve Option 1 and recommend to Council that the revised Policy, set out at Annex 1, be adopted and authorise officers to publish the Local Area Profile.

Reason: To meet the legislative requirements of the Gambling Act 2005, and recommendations within the Gambling Commissions Guidance to Licensing Authorities.

Background

5. The Gambling Act 2005 (the 2005 Act) has 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.

These objectives must be taken into consideration by the Gambling Commission and Local Authorities as a Licensing Authority.

6. The Gambling Commission (the Commission) is responsible for issuing operator licences which are linked to different types of gambling activities. Some types of gambling activities may be provided remotely, for example over the internet (online gambling) or telephone, or non-remotely such as in land-based premises.
7. The Commission is also responsible for issuing personal licences which ensure that individuals who control facilities for gambling or can influence the outcome of gambling, are directly accountable to the Commission. Outside of the casino industry, personal licences are usually held by people in key management positions, within the casino industry, people providing the day-to-day gambling such as croupiers.
8. As a Licensing Authority the Council is responsible for issuing premises licence, where an individual or company uses premises or causes or permits premises to be used to offer gambling (only holders of operator's licence can apply for a premises licence). Premises licences can authorise the provision of facilities on:
 - a) casino premises
 - b) bingo premises
 - c) betting premises, including tracks and premises used by betting intermediaries
 - d) adult gaming centre (AGC) premises (for category B3, B4, C and D machines)
 - e) family entertainment centre (FEC) premises (for category C and D machines) – the licensing authority may issue a FEC gaming machine permit, which authorises the use of category D machines only.
9. The 2005 Act defines the responsible authorities that must be notified of applications for premises licences, and that are entitled to make representation to a licensing authority.
10. The Council is responsible for issuing permits for gaming machine. Gaming machine provisions by premises can be found on the [Commissions](#) website. The Commission and Licensing Authorities cannot set different limits or further expand or restrict the categories of machines that are permitted.
11. The Council is also responsible for registering societies to run small society lotteries.

12. The holder of an operating licence may notify a Temporary Use Notice (TUN) to a Licensing Authority to allow premises (such as hotels and conference centres) to be used temporarily for providing facilities for gambling. TUNs are often used to run poker tournaments. The Council has never received a TUN.
13. Where betting on a track on eight days or fewer in a calendar year, betting may be permitted by an Occasional Use Notice (OUN) without the need for a full premises licence. OUNs allow licensed betting operators to provide betting facilities at genuine sporting events, such as point-to-point racecourses. OUNs are submitted to Licensing Authorities. The Council has received 11 OUNs.
14. In April 2023 the Department for Culture, Media and Sport (DCMS) published a Gambling Act Review white paper for the previous Government. The purposes of this review were to:
 - Examine whether changes were needed to GB gambling regulation to reflect changes to the gambling landscape since 2005, particularly due to technological advances.
 - Ensure an appropriate balance between consumer freedoms and choice on the one hand, and prevention of harm to vulnerable groups and communities on the other.
 - Make sure customers are suitably protected whenever and wherever they are gambling, and that there is an equitable approach to the regulation of the online and the land-based industries.

This work is now on pause while the new Government considers the full range of gambling policy. The Labour manifesto included comments on gambling, with a focus on reducing gambling-related harm. The DCMS are awaiting ministerial steer on the prioritisation of different measures.

Statement of Licensing Policy

15. Section 349 of the 2005 Act requires licensing authorities to determine and publish a Statement of Licensing Policy at least every three years. The Council's current Policy was approved by Council on the 9 December 2021 and published on 10 January 2022.
16. A revised Policy must be approved by Council and be published on the Council's website by 10 January 2025. The proposed revised Policy can be found at Annex 1.

17. The Council first published a Policy in January 2007, this Policy has been reviewed and published on a further five occasions, January 2010, 2013, 2016, 2019 and 2021.

Local Area Profile

18. The Commissions Guidance to Licensing Authorities, recommends that licensing authorities complete their own assessment of the local environment as a means of 'mapping out' the key characteristics of the local area. The Guidance refers to such an assessment as a Local Area Profile.
19. An effective profile is likely to take account of a wide range of factors, data and information held by the licensing authority and its partners. Good profiles will increase awareness of local risks and improved information sharing, to facilitate constructive engagement with licensees and more coordinated response to local risks.
20. The Business Intelligence Hub, on behalf of the licensing authority, produced the first Profile in September 2018, this was reviewed in October 2021 and again in October 2024.
21. The reviewed Profile can be found at Annex 2.

Consultation

22. A consultation took place from 6 August to 13 October 2024. A list of consultees can be found at Annex 3.
23. One response was received to the consultation from GamCare, their response can be found at Annex 4.
24. As GamCare are requesting a 'public health approach to gambling', the response has been shared with the Director of Public Health.

Options

25. Option 1 – Approve the revised Policy and make a recommendation to Council that the Policy is adopted. Authorise officers to publish the revised Local Area Profile.
26. Option 2 – Amend the revised Policy and make a recommendation to Council that the amended revised Policy is adopted. Authorise officers to publish the revised Local Area Profile.

Analysis

27. Public Health are now working closely with the Licensing Authority, Appendix A 'Gambling Related Harm' of the Policy has been added due to information provided by Public Health colleagues. Information within this Appendix provides estimated levels of gambling harm for York.
28. The Commission has welcomed Public Health's engagement with Licensing Authorities on gambling matters.

Currently Licences, Permits and Registrations in Force

29. There are currently 18 premises licence in force which authorise the following licensable functions:
 - 1 adult gaming centre
 - 1 bingo premises
 - 1 betting premises (track)
 - 15 betting premises (other) – bookmakers
30. Since the Gambling Act came into force in 2007, 62% of premises licences have been surrendered:
 - 8 adult gaming centres
 - 2 bingo premises
 - 19 betting premises (other) – bookmakers (two have surrendered in the last three years)
31. 192 premises currently have gaming machines:
 - 138 notifications of 2 or less machines
 - 37 premises machine permits
 - 17 clubs machine permits
32. 163 small society lotteries registrations are in place.

Council Priorities

33. By complying with the requirements of the 2005 Act the Council are supporting new and existing licence trade, as well as residents and businesses. The functions support the Council's Plan 'One City, for all'.

Implications

34. The implications arising from this report are:

- **Financial:** There are no financial implications associated with this report.
- **Human Resources:** There are no Human Resources implications associated with this report.
- **Equalities:** An Equalities Impact Assessment has been completed and can be found at Annex 5.
- **Legal:** As stated in paragraph 15 above, it is a legal requirement of the 2005 Act that the Policy is reviewed. Failure to comply with these requirements could result in the Council being unable to fulfil its legal duty as the licensing authority and the Council could be legally challenged by way of a judicial review. The Policy must be taken into consideration when the Licensing Authority makes decisions in respect of matters relating to the Gambling Act 2005.
- **Crime and Disorder:** There are no crime and disorder implications. The Policy with regards to the 2005 Act promotes the licensing objective:

‘preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime.’
- **Information Technology (IT):** There are no IT implications associated with this report.
- **Other:** There are no other implications associated with this report.

Risk Management

35. Legal action could be taken against the Council if it fails to comply with the requirements of the 2005 Act.

Contact Details

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**Report
Approved**



Date 17/10/2024

Specialist Officer Implications: None
Wards Affected:

All



Background Papers:

[Gambling Act 2005](#)

Gambling Commission – [Guidance to licensing authorities](#)

Annexes

Annex 1: Revised Statement of Licensing Policy 2026

Annex 2: Revised Local Area Profile

Annex 3: Consultees

Annex 4: Consultation Response

Annex 5: Equalities Impact Assessment