



Gambling, Licensing & Regulatory Committee 9 November 2021

Report from the Director – Environment, Transport and Planning

Gambling Act 2005 – Statement of Licensing Policy

Summary

1. This report advises Members of the review of the Council's Statement of Licensing Policy, the consultation undertaken and changes made as a result of the consultation and revised guidance.
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 Policy be adopted, and authorise officers to publish the Local Area Profile.

Reason: To meet the legislative requirements of the Gambling Act 2005.

Background

5. Section 349 of the Gambling Act 2005 (the Act) requires licensing authorities to determine and publish a Statement of Licensing Policy (Policy), every three years. The Council's current Policy was approved by Full Council on the 13 December 2018 and published on 8 January 2019.
6. A revised policy must be approved by Council and be published by the 8 January 2019. The revised Policy can be found at Annex 1.

7. The Council's first policy was published in January 2007. This Policy has been fully reviewed and published on a further four occasions, January 2010, January 2013, January 2016 and January 2019.

Local Area Profile

8. The 5th edition of the Gambling Commissions Guidance to Licensing Authorities, published in September 2015, recommended 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 (profile).
9. 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 a more coordinated response to local risks.
10. The Council's first profile was produced by the Business Intelligence Hub in September 2018 on behalf of the licensing authority. This profile was published in January 2019. The Business Intelligence Hub reviewed this profile in October 2021, the reviewed profile can be found at Annex 2.

Consultation

11. A consultation took place from 12 May to 8 August 2021. A full list of consultees can be found at Annex 3.
12. One response was received to the consultation from:
 - GambleAware
13. The consultation response has been taken into consideration and the Policy revised accordingly. Full details of the response and the action taken can be found at Annex 4.

Options

14. Option 1 – approve the revised Policy and make a recommendation to Council that the Policy is adopted. Authorise officers to publish the profile.

15. Option 2 – amend the revised Policy and make a recommendation to Council that the Policy is adopted. Authorise officers to publish the profile.

Analysis

16. Revisions made to the Policy relate to relevant changes in legislation and responses to the consultation.

Current Licences and Permits in Force

17. There are currently 20 premises licences in force, which authorise the following licensable functions:
 - 1 adult gaming centre
 - 1 bingo premises
 - 1 betting premises (track)
 - 17 betting premises (other) – bookmakers
18. The number of licensed premises has reduced by a third in the last three years. Nine bookmakers and one bingo hall have surrendered their premises licences.
19. There are currently 187 premises that hold authorisations that allow the provision of gaming machines on the premises.

Council Priorities

20. The implementation of a Licensing Policy will support the Council's plan of a prosperous city for all, where local businesses can thrive and a council that listens to residents.

Implications

21. The direct implications arising from this report are:
 - (a) **Financial** – There are no financial implications.
 - (b) **Human Resources (HR)** - There are no HR implications.
 - (c) **Equalities** – There are no equalities implications.

- (d) **Legal** – It is a legal requirement of the Gambling Act 2005 that the Council is required to publish a statement of licensing policy every three years. Failure to do so would result in the licensing authority being unable to discharge its legal duty under the Act.
- (e) **Crime and Disorder** – There are no direct crime and disorder implications. However, in exercising its function under the Act the council must have regard to the licensing objectives. Licence and permit holders must also have regard to the objectives.
- (f) **Information Technology (IT)** - There are no IT implications.
- (g) **Property** - There are no property implications.
- (h) **Other** - There are no other implications.

Risk Management

22. There are no known risks associated with this report.

Contact Details

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Report Approved		√	Date	22/10/21
Specialist Implications Officer(s)				
Wards Affected:			All	√
For further information please contact the author of the report				

Background papers

Gambling Act 2005

<https://www.legislation.gov.uk/ukpga/2005/19/contents>

Gambling Commission – Guidance to licensing authorities

<https://www.gamblingcommission.gov.uk/home.aspx>

City of York Council Statement of Licensing Policy and Local Area Profile
published in January 2019

<https://www.york.gov.uk/business-licences/gambling-act-2005/1>

Annexes

Annex 1 – Revised Statement of Licensing Policy 2022

Annex 2 – Revised Local Area Profile

Annex 3 – List of Consultees

Annex 4 – Consultation Responses