

Concordat

Gambling Act 2005 – Co-regulators Concordat between the Gambling Commission and Local Government Regulation (LG Regulation)

March 2010

1 Introduction

- 1.1** This Concordat is an agreement between the Gambling Commission (the Commission) and licensing authorities (LAs) in England and Wales, via Local Government Regulation (LG Regulation – formerly LACORS). It is based on a set of principles which set out in general terms our shared understanding of how the Commission and LAs will carry out our respective duties under the Gambling Act 2005 (the Act).
- 1.2** The practical application of these principles is detailed in an accompanying set of protocols. The protocols reflect how the Commission and LAs will ensure compliance with the Act, the licensing objectives and the associated rules and regulations. The Concordat and protocols will, when need arises, be amended and new ones added to respond to changing circumstances. Such review will be a joint process between both parties.

2 Principles

- 2.1** The Commission and LAs act jointly as co-regulators of the gambling industry under the Act. We regulate most commercial, and some non-commercial, gambling in Great Britain.
- 2.2** Section 1 of the Act sets out three licensing objectives that underpin our respective work as regulators. These are:
- preventing gambling from being a source of crime and disorder
 - ensuring that gambling is fair and open
 - protecting children and vulnerable people from being exploited or harmed by gambling.
- 2.3** The Commission must aim to permit gambling so far as it thinks it reasonably consistent with pursuit of the licensing objectives. The Act also requires the Commission to give advice to the Secretary of State about the incidence, manner, effects and regulation of gambling.
- 2.4** The Act requires the Commission to issue guidance from time to time on the manner in which licensing authorities are to exercise their functions under the Act and in particular, the principles that they should apply. LAs must have regard to such guidance, which will be reviewed and revised as required. The Commission will consult on any proposed changes and will aim to make the guidance easily understood and applied.

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- 2.5** LAs must aim to permit the use of premises for gambling, in so far as they think that this:
- accords with the licence conditions, codes of practice and guidance issued by the Commission
 - is reasonably consistent with the licensing objectives; and
 - is in accordance with the LAs' three-year licensing policy.
- 2.6** LAs and the Commission aim to ensure that the gambling industry is correctly licensed and well regulated and that it operates in a compliant manner. We recognise that co-regulation requires a shared understanding of the responsibilities of each party and the ability both at local and national levels to work effectively together and resolve problems in a consistent and timely manner.
- 2.7** We are aware that a minority of operators will be non-compliant or operate illegally. We will take the appropriate and proportionate regulatory and enforcement action in such circumstances. We will both uphold the Act and protect the compliant industry from the threats that such activity poses. Where there is evidence of systematic illegality, LAs and the Commission will work together, and with other agencies as appropriate, to identify offenders and to ensure that they face action as required.
- 2.8** We aim to achieve regulatory outcomes in a way that minimises burdens imposed on business. Key to this is that we are risk based and proportionate in our decision making and transparent and accountable for our actions. Both LG Regulation and the Commission recognise that, in keeping with the Hampton principles of better regulation, we must minimise the risk of duplication or over-regulation and make the most efficient use of our resources.
- 2.9** The Commission recognises that LAs will each have different priorities and that this will have a bearing on their approach to the licensing of premises and to compliance. It is a matter for the local democratic process to make such decisions and to reflect local concerns. The Commission and LAs both operate a risk based methodology. The Commission's resources are prioritised on risks that are identified which are high in impact and of regional or national significance. LAs are concerned with risks within their geographical boundaries and which would have a high impact at a local level.
- 2.10** We recognise that our understanding of the Act is continuing to evolve and that as new circumstances emerge, and as operators develop new products and new methods of making gambling available; this will continue to be the case. The Commission will endeavour to ensure that, when elaborations of its understanding of the Act are required, LG Regulation and LAs are engaged at the earliest opportunity.

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LG Regulation

Local Government House
Smith Square
London SW1P 3HZ
T: 020 7665 3888
Email: info@local.gov.uk

Gambling Commission

Victoria Square House
Victoria Square
Birmingham B2 4BP
T: 0121 230 6666
www.gamblingcommission.gov.uk

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