

Wiltshire Council

Council

18 October 2016

Gambling Act 2005 – Statement of Gambling Principles - Appendix A

Summary

This report sets out proposals for a new appendix on Local Risk Assessments (Appendix A) to be added to Wiltshire Council's Statement of Principles on the Gambling Act 2005 which was adopted by Full Council in November 2015.

The Licensing Committee considered the proposed appendix to the Statement of Gambling Principles on 19th September 2016, and recommended its approval by Council.

Proposal

It is recommended:

That Council approves the new Appendix A - Local Area Risk Assessment to the Statement of Gambling Principles (2015 -2018) (Appendix 1) under the Gambling Act 2005 for incorporation into the existing Statement of Gambling Principles with immediate effect.

Reason for Proposal

As of 6th April 2016 it is necessary for all gambling premises to conduct a local area risk assessment. The appendix to the Council's Statement of Principles is intended to provide guidance for the premises' operators on how to complete an assessment document to meet the expectations of the Local Authority.

Carolyn Godfrey
Corporate Director

Wiltshire Council

Council

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Gambling Act 2005 – Statement of Gambling Principles

Purpose of Report

1. The Council is required under the Gambling Act 2005, to prepare and publish a Statement of Gambling Principles in relation to the exercise of its functions under the Gambling Act 2005. Once adopted, the Statement of Gambling Principles must be regularly reviewed and is a material consideration to be taken into account when the Council is exercising any of its functions under the Gambling Act 2005. In accordance with the Gambling Act 2005 and the Council's constitution, the Statement of Gambling Principles and any amendments or additions to it, must be approved by Full Council.
2. The Licensing Committee on 19th September 2016 commended Appendix A – Local Area Risk Assessment, attached as Appendix 1 to this report, in relation to the Gambling Act 2005 to Council for approval and incorporation into the existing Statement of Gambling Principles.

Relevance to the Council's Business Plan

3. "Communities in Wiltshire work together to solve problems locally and participate in decisions that affects them".

"Communities are as protected from harm as possible and feel safe"

Main Considerations for the Council

4. It is a statutory requirement that the Statement of Gambling Principles, and any appendix or substantive change must be approved by Full Council as this is not a function that can be delegated to the Licensing Committee.

Background

5. Social responsibility is an important element for the Statement of Gambling Principles. As of 6th April 2016 licensed gambling premises were required to complete a Local Area Risk assessment to consider how their premises impacted the local community.

Wiltshire Council's Statement of Gambling Principles came into effect in November 2015. In Section 3.4 of the Council's Statement of Gambling Principles there were two paragraphs (as below) that mentioned in basic terms the new necessity for premises to have local area risk assessments,

however at that time there was limited guidance on how these should be done.

“3.4 Social Responsibilities (Comes into force on 6th April 2016)

3.4 (a) Assessing Local Risk

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.

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

3.4 (b) Sharing Local Risk Assessments

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non- remote general betting (limited) and betting intermediary licences

- 1 *Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.*

Wiltshire Council Licensing Authority decided to provide local businesses with further guidance on how to complete the risk assessments and to assist them with the areas that would be expected to be covered within the risk assessment. The expectation is that each individual premises would assess what impact it was having on the community in which it was located and what measures it could put in place to mitigate the risks and promote the 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.”*

- 6 The proposed new appendix mirrors that of other authorities in relation to areas covered, due to the nature of materials available. When drafting this local area risk assessment appendix for local gambling premises officers considered the differing demographics of Wiltshire and considered the varying impacts on local businesses and communities.
7. A 28 day consultation on the Appendix took place during July and August 2016, with all relevant gambling premises in Wiltshire, and the required statutory bodies.

There were no responses’ received to the consultation.

Safeguarding Implications

8. One of the key objectives of the Gambling Act 2005 is ‘The Protection of Children from Harm’: Wiltshire Council’s Children’s Services Department has been designated as the Responsible Authority under the Gambling Act 2005. In this capacity they are required to ensure that decisions about licensing are taken with due regard to the need to safeguard and promote the welfare of children.

Public Health Implications

9. The Licensing and Public Health teams work together within the Council to ensure that the health implications of gambling are considered.

Environmental and Climate Change Considerations

10. The impact of these proposals is assessed as ‘low’ against the Council statutory responsibilities. There are potential implications with respect to human rights.

Equalities Impact of the Proposal

11. The impact of these proposals is assessed as ‘low’ against the Council statutory responsibilities. There are potential implications with respect to human rights.

Risk Assessment

12. Licensing is a statutory undertaking. Should the proposals in this report not be adopted it would leave Wiltshire Council in a position of being unable to effectively undertake its statutory responsibilities and functions under the Gambling Act 2005.

Financial Implications

13. There are no additional financial implications of the proposals contained within this report.

Legal Implications

14. As stated, the Council is required under the Gambling Act 2005, to prepare and publish a Statement of Gambling Principles in relation to the exercise of its functions under the Gambling Act 2005. Once adopted, the Statement of Gambling Principles must be regularly reviewed and is a material consideration to be taken into account when the Council is exercising any of its functions under the Gambling Act 2005. In accordance with the Gambling Act 2005 and the Council's constitution, the Statement of Gambling Principles and any amendments or additions to it, must be approved by Full Council.

Conclusions

15. As of 6th April 2016 it is necessary for all gambling premises to conduct a local area risk assessment. The appendix to the Council's Statement of Principles is to provide guidance for the premises' operators on how to complete an assessment document to meet the expectations of the Local Authority
16. It is a statutory requirement that the Statement of Gambling Principles, and any appendix or substantive change must be approved by Full Council as this is not a function that can be delegated to the Licensing Committee.

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18 October 2016

Background Papers

- Gambling Act 2005
- Gambling Commissions Guidance to Local Authorities 4th Edition
- Gambling Commissions Strengthening Social Responsibility
- Gambling Commissions Guidance to Local Authorities 5th Edition (in consultation)
- Wiltshire Council's Current Gambling Statement of Principles

Appendix

1. Appendix A – Local Risk Assessment