

Wiltshire Council

Council

16 October 2018

Gambling Act 2005 – Statement of Gambling Principles

Summary

This report describes the work undertaken to develop a revised Statement of Gambling Principles (2019-2021) for Wiltshire Council.

Following the Licensing Committee's consideration of the revised Statement of Gambling Principles on 3rd September 2018, the committee approved the policy and referred it on to Council for approval.

Proposal

It is recommended:

- That Council approves the Statement of Gambling Principles (2019 - 2021) (Appendix 1) under Gambling Act 2005.

Reason for Proposal

The Council must review its Statement of Gambling Principles every three years. The Policy is due for review and must be consulted on and approved by Council prior to it being published and coming into force.

Carlton Brand
Corporate Director

Wiltshire Council

Council

16 October 2018

Gambling Act 2005 – Statement of Gambling Principles

Purpose of Report

1. The Council must review its Statement of Gambling Principles every three years. The Policy is due for review and must be consulted on and approved by Council prior to being published and coming into force. Following amendments considered by the Licensing Committee on 3rd September 2018 a final draft version of the Licensing Policy is submitted to Council for approval.

Relevance to the Council’s Business Plan

2. “People in Wiltshire work together to solve problems locally and participate in decisions that affect them”.

“People are protected from harm as possible and feel safe”

Main Considerations for the Council

3. It is a statutory requirement that the Statement of Gambling Principles must be approved by Council as this is not a function that can be delegated to the Licensing Committee.

Background

4. Wiltshire Council is the Licensing Authority, and is required to discharge its responsibilities in relation to the Gambling Act 2005 with a view to promoting the three licensing objectives, namely:
 - 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.

The Gambling Act 2005 was designed to be light touch legislation covering a number of “licensable activities”. Such activities are defined within this Act.

Social responsibility is an important element of the Statement of Gambling Principles and we have taken this into consideration following the new guidance from the Gambling Commission.

5. In order for the Licensing Authority to discharge its licensing functions it is required to draw up a Statement of Gambling Principles in relation to the Gambling Act 2005. This policy is to be reviewed every three years and be the subject to a consultation process.
6. A report on 4th June 2018 sought the Licensing Committee's support for consultation on the draft Statement of Gambling Principles. The Act provides that functions in relation to the three year Statement of Gambling Principles cannot be delegated but must be approved by Council.
7. An eight week consultation on the draft policy took place from 13th June 2018 – 8th August 2018. Two responses were received during the consultation. One was from Wiltshire Council's Planning Department asking to include within the statement that planning permission may be required for certain structural changes required in the premises to mitigate Local Area Risks. One was from William Hill who disagreed with the list of 'significant changes' that had been stated within the statement as things to consider, they also pointed out an error that had been made in relation to Gaming Machines.
8. Subsequent amendments were made to the Council's draft Statement of Gambling Principles to be considered by the Licensing Committee on 3rd September 2018. At that meeting the committee approved the revised policy and referred it on to Council for approval.
9. The Statement of Gambling Principles is a document setting out the Council's proposals to ensure a balanced approach towards the licensing of gambling premises. The revised Policy has been based on the requirements of the Act and includes changes as a result of either new or amended legislation, regulations or guidance issued by the Secretary of State.

Safeguarding Implications

10. 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

11. 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

12. There is minimal environmental impact of these proposals.

Equalities Impact of the Proposal

13. 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

14. 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.

Risks that may arise if the proposed decision and related work is not taken

15. Criticism of the Council and thus compromise the reputation of Wiltshire Council.

Financial Implications

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

Legal Implications

17. 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. When preparing its Statement of Gambling Principles, the Council is required to consult the Police, Persons representing gambling businesses and Persons representing the interests of the people likely to be affected by Gambling. In accordance with the Gambling Act 2005 and the Council's constitution, the Statement of Gambling Principles must be approved by Council.
18. The Licensing Authority is a high profile regulatory service important for protecting the public but also for ensuring the balance between development of the leisure industry and economic viability and the protection of communication. The fair application of licensing functions is critical for the reputation of the Council and for building trust and confidence in its service provision.

Conclusions

19. The adoption of a revised Statement of Gambling Principles by 1st January 2019 is a statutory requirement.

Proposal

20. That Council approves the Statement of Gambling Principles (2019 - 2021) under Gambling Act 2005 (Appendix 1) to come into effect from 1st January 2019.

Carlton Brand
Corporate Director

Report Author: Linda Holland

Linda Holland Licensing Manager Public Protection
3rd October 2018

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. Wiltshire Council Statement of Gambling Principles 2019 - 2021
-