

## **Gambling Statement of Principles**

### **Purpose of Report**

1. To inform members of the Licensing Committee of the need to review, consult and adopt a new Gambling Statement of Principles by December this year, and seek the Committee's approval to commence the consultation process.

### **Relevance to the Council's Business Plan**

2. The Gambling Statement of Principles supports the Business Plan goals of 'We are safe', and 'we have vibrant well-connected communities'.

### **Background**

3. The Council's current Gambling Statement of Principles came into effect on 1 January 2022 and will cease to have effect on the 31 December 2024. The Council must be in a position to formally adopt a revised policy with effect from 1 January 2025. In order to satisfy the specific legal requirements, set down in the Gambling Act 2005, the Council needs to carry out a consultation process on the proposed Gambling Statement of Principles.

### **Main Considerations**

4. The first draft of the Statement of Principles can be found at Appendix 1 to this report for consideration and approval is sought to carry out the required public consultation for 6 weeks.
5. It is a statutory requirement that the Gambling Statement of Principles must be approved by Council as this is not a function that can be delegated to the Licensing Committee.
6. Wiltshire Council is the Licensing Authority, and is required to discharge its responsibilities under the Gambling Act 2005 with a view to promoting three licensing objectives, namely:
  - preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime,
  - ensuring that the gambling is conducted in a fair and open way, and
  - protecting children and other vulnerable persons from being harmed or exploited by gambling.

7. The Gambling Act requires the Gambling Statement of Principles to be reviewed at least once every 3 years.

### **Consultation**

8. The Statement of Principles must be consulted on with specific stakeholders listed in the Gambling Commission guidance, this includes chief officer for the police, gambling businesses and residents of the area. The proposal is to run a 6-week consultation process with results and feedback collected via an on-line form. There will also be paper copies available on request.
9. The consultation will be promoted via social media sites, directly to premises holding gambling licenses and through press releases.
10. The results of the consultation will be reported back to the Licensing Committee on 16 September 2024.

### **Overview and Scrutiny Engagement**

11. As yet there has been no engagement with the Council's Overview and Scrutiny function, as this is a mandatory review of the Gambling Statement of Principles.

### **Safeguarding Implications**

12. The Gambling Statement of Principles proposal includes one of the key Licensing objectives which is 'protecting children and other vulnerable persons from being harmed or exploited by gambling' Wiltshire Council's Child Protection Team are a 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**

13. The Gambling Statement of Principles ensures the licensing objectives are supported by controlling access to lotteries and premises where gambling and betting takes place thereby minimising the associated harm in Wiltshire.

### **Procurement Implications**

14. There are no procurement implications associated with the Gambling Statement of Principles.

### **Equalities Impact of the Proposal**

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

### **Environmental and Climate Change Considerations**

16. The Committee could include within the Policy review additional wording to encourage environmental and climate awareness amongst licensed premises. This is being included in other local authority policies and would raise awareness of this important issue with guidance on how license premises could work

towards The Climate Change Act (2008) sets a carbon reduction target for the UK, 34% by 2020 and 80% by 2050 based on 1990 levels.

### **Workforce Implications**

17. There are no additional impacts on the current workforce as this policy will be continuing with the current workforce.

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

18. Criticism of the Council and compromise the reputation of Wiltshire Council. Lack of clarity for gambling licence holders on licence expectations.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

19. There are no risks identified from the proposed draft Gambling Statement of Principles.

### **Financial Implications**

20. There are no additional financial implications contained within the draft Gambling Statement of Principles.

### **Legal Implications**

21. The provisions contained within the Gambling Act 2005 are, in the Government's view, compatible with the requirements of the Human Rights Act 1998. However, whilst it appears that the Gambling Act itself is compatible with the Human Rights Act there remains an obligation on the Council as Licensing Authority itself to act in a way that is also compatible with this Act. The possibility of acting in an incompatible way may arise at various stages such as during the review of premises licenses or drawing up the Gambling Statement of Principles. It is therefore incumbent on the Council to remain vigilant to these possibilities at all times as it discharges its responsibilities (including in its role as a quasi-judicial committee of the Council) under the Gambling Act in accordance with the rules of natural justice.
22. The licensing service is a high-profile regulatory service important for protecting the public but also for ensuring the development of the leisure industry and economic viability. Fair application of licensing functions is critical for the reputation of the Council and for building trust and confidence in its service provision.

### **Options Considered**

23. The adoption of a revised Gambling Statement of Principles by January 2025 is a statutory requirement, so there are no other legal options apart from adoption.

### **Proposals**

24. That the Licensing Committee instructs Officers to carry out a 6 week consultation process on the Draft Gambling Statement of Principles 2025-2027.

25. The Licensing Committee note that at its meeting in September 2024, the Committee will be required to consider recommending the finalised Gambling Statement of Principles to Full Council for adoption.

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### **Appendices**

1. Draft Gambling Statement of Principles 2025-27
2. Summary of changes to the Draft Gambling Statement of Principles.

### **Background Papers**

- Gambling Act 2005 [Gambling Act 2005 \(legislation.gov.uk\)](https://legislation.gov.uk)
- Gambling Commission – Guidance to licensing authorities [Guidance to licensing authorities \(gamblingcommission.gov.uk\)](https://gamblingcommission.gov.uk)