

Wiltshire Council

Full Council

19 October 2021

Gambling Act 2005 –Gambling Statement of Principles

Executive Summary

This report describes the amendments made to the Gambling Statement of Principles (2022-2024) for Wiltshire Council.

Following the Licensing Committee's consideration of the amendments to the Gambling Statement of Principles on 13th September 2021 the committee approved the policy and referred it on to Council for approval.

Proposal

It is recommended:

That Council approves the Gambling Statement of Principles (2022 -2024) (Appendix 1) under the Gambling Act 2005.

Reason for Proposal

The Council must review its Gambling Statement of 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.

Jessica Gibbons

Director - Communities & Neighbourhoods

Wiltshire Council

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Gambling Act 2005 – Gambling Statement of Principles

Purpose of Report

1. The Council must review its Gambling Statement of 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 13th September 2021 a final draft version of the Statement 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”.
3. “People are protected from harm as possible and feel safe”

Background

4. 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.

Main Considerations for the Council

5. 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.
6. The Gambling Act 2005 was designed to be light touch legislation covering a number of “licensable activities”. Such activities are defined within this Act.
7. Social responsibility is an important element of the Gambling Statement of Principles and this was taken into consideration in the previous revision following guidance from the Gambling Commission.
8. In order for the Licensing Authority to discharge its licensing functions it is required to draw up a Statement of Principles in relation to the Gambling Act 2005. This policy is to be reviewed every three years and be subject to a consultation process.

9. On 5 July 2021 the Licensing Committee, via agreement from the Chair and Vice Chair, gave permission for officers to consult on the draft Gambling Statement of Principles (2022 – 2024) and for the outcome of the consultation to be brought to the Licensing Committee on 13 September 2021. As a comprehensive review of the statement was undertaken in 2018 and as there have been no relevant changes to the legislation or guidance, no significant amendments were required.
10. Only two updates and one addition to the policy were being proposed as detailed below:

Page 5, Introduction - update to the current number and makeup of the Gambling Premises in Wiltshire.

Appendix D - addition of the sentence *'These figures are correct as of 2018, up to date figures will be provided, when a local area profile is requested'* under the Wiltshire Area Profile.

Appendix E - updated address for GamCare.

11. The Act provides that functions in relation to the three-year Gambling Statement of Principles cannot be delegated and must be approved by Council.
12. A six-week consultation on the draft policy took place from 12 July – 22 August 2021. Three responses were received during the consultation period, from Amesbury, Melksham, and Westbury Town Councils. All in support of the Statement, two stating other concerns about Gambling in Wiltshire however these did not impact upon the consultation for the statement.
13. Following the consultation no subsequent amendments were made to the Council's draft Gambling Statement of Principles that needed to be considered by the Licensing Committee. At the Licensing Committee meeting on 13 September 2021, the Committee raised a point regarding the use of the phrase "but by agreement" in 6.2.1 Club Gaming Permits and 6.2.2. Club Machine Permits and its context. This comment was reviewed, and the words have removed from both sections, the draft was accepted by the Committee and referred on to Council for approval.
14. The Gambling Statement of 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 Gambling Act 2005 and includes changes as a result of either new or amended legislation, regulations or guidance issued by the Secretary of State.

Safeguarding Implications

15. 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

16. 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

17. There is minimal environmental impact of these proposals.

Equalities Impact of the Proposal

18. 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

19. 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

20. The Council would be in breach of its duties to prepare and publish a Gambling Statement of Principles in relation to the exercise of its functions under the Gambling Act 2005. The Council could be criticised and there would be a potential reputational risk to the Council.

Financial Implications

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

Legal Implications

22. As stated, the Council is required under the Gambling Act 2005, to prepare and publish a Gambling Statement of Principles in relation to the exercise of its functions under the Gambling Act 2005. Once adopted, the Statement 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, 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 Gambling Statement of Principles must be approved by Council.
23. 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

24. The adoption of a revised Gambling Statement of Principles by 1st January 2022 is a statutory requirement.

Proposal

25. That Council approves the Gambling Statement of Principles (2022 - 2024) under Gambling Act 2005 (Appendix 1) to come into effect from 1st January 2022.

Jessica Gibbons

Director - Communities & Neighbourhoods

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4 October 2021

Background Papers

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

Appendix 1 - Wiltshire Council Gambling Statement of Principles (2022 – 2024)
