

GAMBLING ACT 2005

NORTH WILTSHIRE DISTRICT COUNCIL STATEMENT OF PRINCIPLES

Introduction

This Statement of Principles has been prepared by North Wiltshire District Council in order to fulfil its duty under Section 349 of the Gambling Act 2005. The principles included in this Statement are those that Council will apply in exercising its functions under the Act for the three year period beginning with the first appointed day.

The geographical area of North Wiltshire, to which this Statement applies, is shown in the plan attached as Appendix 1.

The following bodies and individuals have been consulted in the preparation of this Statement:-

(list to be added at end of consultation period)

In producing this Statement, North Wiltshire District Council has had regard to the licensing objectives of the Gambling Act 2005, guidance issued by the Gambling Commission and responses to the consultation process.

Licensing Objectives

The Licensing Objectives of the Gambling Act 2005 are:-

- a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- b) ensuring that gambling is conducted in a fair and open way, and
- c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

Principles

- 1) The Licensing Authority will regulate gambling in the public interest.
- 2) The Licensing Authority is committed to avoiding duplication with other regulatory regimes so far as possible.
- 3) All applications and representations made to the Licensing Authority under the Gambling Act 2005 will be considered on their own merits without regard to demand.
- 4) The Licensing Authority does not specify in this Statement which locations are or are not suitable within its area for the location of gambling premises. However, in considering applications for gambling premises the Licensing Authority will consider whether or not the proposed location may be detrimental to the promotion of the licensing objectives.

In reaching its determinations in each case the Licensing Authority will take into account:-

- the size and nature of the premises
 - the likelihood of children and other vulnerable people being harmed or exploited as a result of the premises operating in the proposed location
 - the measures that the applicant proposes to control and minimise the risk of harm or exploitation
 - any representations received
 - any conditions that the Licensing Authority sees fit to apply
- 5) When designating a body which is competent to advise the Licensing Authority about the protection of children from harm, the following principles will apply:-
- the body shall be able to advise on child protection matters across the whole of the Licensing Authority's areas
 - the body shall be capable of responding to requests for advice in a timely manner
 - the body shall be willing to provide advice when requested
- 6) The following principles will be applied by the Licensing Authority when determining whether or not a person is an interested party within the meaning of Section 158 of the Act.
- a) Persons who claim to live sufficiently close to the premises to be likely to be affected by the authorised activities should be able to demonstrate that the likely effect on them will be significant.
 - b) Persons with business interests that might be affected by the authorised authorities should be able to demonstrate that the likely effect on their business interests will be significant and that the effect will not arise solely because of direct competition with their own business interests.
 - c) Persons who claim to represent other persons who are in categories (a) or (b) above should be able to demonstrate that they have been asked to represent a person in category (a) or (b) above in that particular case. The Licensing Authority does not otherwise seek to define or limit the categories of persons who may represent persons in (a) or (b) above.
- 7) The Licensing Authority will adopt a risk based approach to the inspection of premises under the Gambling Act 2005 following any guidance issued by the Gambling Commission.

The Licensing Authority will be guided principally by the Licensing Objectives when assessing the level and frequency of inspection of gambling premise. The Licensing Authority is likely to use the following criteria to determine the level of risk in respect of a particular premises.

Size of premises
Nature of premises
Location of premises

History of complaints

Control measures implemented by management

Level of complaint

Intelligence shared with other responsible authorities

North Wiltshire District Council has signed and is committed to the Enforcement Concordat (The Regulatory Compliance Code) and has an Enforcement Policy. All decisions regarding enforcement action under the Gambling Act 2005 will be made in accordance with that Code and Policy.

- 8) The Licensing Authority is required by the Gambling Act 2005 to exchange certain information with the Gambling Commission and persons listed - Schedule 6 to the Act. The Licensing Authority will seek to establish protocols with all those it is required to exchange information with in accordance with any guidance issued by the Gambling Commission and is mindful of the fact that nothing in the Gambling Act 2005 authorises a disclosure which contravenes the Data Protection Act 1998.