

**Wiltshire Council**

**Licensing Committee**

**16 September 2024**

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## **Gambling Statement of Principles**

### **Purpose of Report**

1. To ask the Licensing Committee to note the results of the consultation undertaken and amendments to the Council's Draft Gambling Statement of Principles (in accordance with the Gambling Act 2005).
2. That the Licensing Committee commends the Draft Gambling Statement of Principles in relation to the Gambling Act 2005 to Full Council for approval at its meeting on 15 October 2024.

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

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

### **Background**

4. The Council's current Gambling Statement of Principles came into effect on 1 January 2022 and will cease to have effect on 31 December 2024. The Council must be in a position to formally adopt a revised policy with effect from 31 December 2024 this year.
5. The Council have carried out a consultation in accordance with the specific legal requirements set down in the Gambling Act 2005. This report details the consultation comments and seeks approval from the committee to recommend approval to Full Council.

### **Main Considerations**

6. Wiltshire Council is the Licensing Authority, and is required to discharge its responsibilities under the Licensing Act 2003 with a view to promoting the four licensing objectives, namely:
  - The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance, and
  - The protection of children from harm.
7. The Home Office guidance requires the Gambling Statement of Principles to be reviewed at least once every 3 years.

## **Consultation**

8. The consultation for the Gambling Statement of Principles commenced on 9 July and closed on 5 August 2024. Consultation comments were captured using an online form, with three comments received via e-mail.
9. The list of consultees included: -
  - Gambling Act Premises
  - Town and Parish Councils
  - Wiltshire and Dorset Fire and Rescue
  - Wiltshire Police
  - Wiltshire PCC
  - Trading Standards
  - Gambling Commission
  - Home Office
  - Wiltshire Council members
  - Director of Public Health
  - Advertised through the Councils' social media channels.
  - Press releases on 9 and 31 July 2024.
10. A total of 14 responses were received, with most comments received from the residents of Wiltshire. Additional comments were received from the Public Health team and from a Town Council. The feedback showed that most respondents supported the policy. All comments were considered, and the policy amended to reflect the comments received. A copy of all the comments and responses are included as appendices. As well as an updated final draft of the Statement of Gambling Principles.

## **Overview and Scrutiny Engagement**

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

## **Safeguarding Implications**

12. The Statement of Principles Gambling policy proposal includes one of the key objectives of the Licensing Act 2003 which is 'The Protection of Children from Harm'. 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 which will ensure that gambling activities are carried out in accordance with legislative requirements, whilst minimising the associated risks to individuals and societal associated harms to Wiltshire residents.

## **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's statutory responsibilities. There are potential implications with respect to human rights.

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

16. There is minimal environmental impact of these proposals

### **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 of 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 Statement of Gambling Principles.

### **Financial Implications**

20. There are no additional financial implications contained within the 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 itself is compatible with the Human Rights Act, there remains an obligation on the Council as the 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 2005 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 December 2024 is a statutory requirement, so there are no other legal options apart from adoption.

### **Proposals**

24. That the Licensing Committee recommend the final draft Gambling Statement of Principles to Full Council for adoption.

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### **Appendices**

1. Consultation Summary 9 July – 5 August 2024
2. Final draft Gambling Statement of Principles Policy 2025-27
3. Gambling Statement of Principles - Summary of changes 2025-2027

### **Background Papers**

- Gambling Act 2005 [Gambling Act 2005 \(legislation.gov.uk\)](https://www.legislation.gov.uk)