

Wiltshire Council

Full Council

15 October 2024

Gambling Act 2005 – Gambling Statement of Principles

Executive Summary

This report describes the amendments made to the Gambling Statement of Principles (2025-2027) for Wiltshire Council.

Following the Licensing Committee's consideration of the amendments to the Gambling Statement of Principles on 16 September 2024 the committee approved the policy and referred it on to Council for approval.

Proposals

That Full Council approves the Gambling Statement of Principles (2025 -2027) (Appendix 1) under the Gambling Act 2005 which will come into effect from 1 January 2025.

Reason for Proposals

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.

Sarah Valdus

Director – Environment

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 16 September 2024 a final draft version of the Statement is submitted to Council for approval.

Relevance to the Council's Business Plan

2. The Gambling Statement of Principles recognises the importance of safeguarding our residents from harm by working with regulators and partners to reduce risks and ensuring our communities are protected from gambling harms. This aligns with the Councils Business Plan 2022-32 mission "We are safe".

Background

3. 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.
4. 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.
5. 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.
6. On 17 June 2024 the Licensing Committee gave approval for officers to consult on the draft Gambling Statement of Principles (2025 – 2027) and for the outcome of the consultation to be brought to the Licensing Committee on 16 September 2024. 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.

7. Ten updates were proposed as detailed below.

- **Contents** Small Society – the word Lotteries has been added.
- Removal of Appendix “Local Area Profile” and renumbering 4.0 spelling
- **Introduction** - update to the current number and type of Gambling Premises in Wiltshire.
- **2.3 Update that Councillors will not participate in sub-committee for their own areas.**
- **3.3 Licensing objectives and Social responsibility** - Clarification on vulnerable groups.
- **4.0 Local Area Risk Assessment** – additional paragraph regarding The Gambling Commission’s License Conditions and Codes of Practice.
- **4.2 New/Variation of a Premises Licence** -Clarification about when a local area risk assessment is required.
- **4.4 Significant changes to the premises** - Removal and replacement of a paragraph regarding significant change and Licensing Act 2003 premises.
- **4.9 Local area profile** - Wording updated to remove the requirement for the local authority to undertake a local area profile and to require applicants and gambling operators to make their own assessments where necessary.
- **6.0 Permits** - Insertion of hyperlink to the Code of Practice.
- **7.0 Small Society Lotteries** - Updated on what is an exempt lotteries and link to the gambling commission guidance website and advice for organisers to ensure lottery arrangements are legal by taking their own legal advice.
- Additional paragraph regarding cancelling the small society registration if annual fee is not paid.
- **Appendices** - Removal of Appendix “Local Area Profile” and renumbering

8. The Act provides that functions in relation to the three-year Gambling Statement of Principles cannot be delegated and must be approved by Council.

9. A four-week consultation on the draft policy took place from 9 July – 5 August 2024. Fourteen responses were received with additional responses from the Public Health team and Chippenham town council. The comments support the Statement, with some concerns about Gambling in Wiltshire however these did not impact upon the consultation for the statement.

10. Following the consultation amendments were made to the Council’s draft Gambling Statement of Principles 3.3.1 Gambling and Public Health to update the wording and reference document, these were considered and agreed by the Licensing Committee. At the Licensing Committee meeting on 16 September 2024, the draft was accepted

by the Committee and referred on to Council for approval.

Main Considerations for the Council

11. 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. 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.

Safeguarding Implications

12. One of the key objectives of the Gambling Act 2005 is 'The Protection of Children from Harm': Wiltshire Council's Families and Children's Directorate 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

13. The Licensing and Public Health teams work together within the Council to ensure that the health implications of gambling are considered.
14. The Statement of Gambling Principles 2025-27 includes an update to section 3.1 written by the Public Health team.

Procurement Implications

15. There are no additional procurement implications of the proposals contained within this report.

Equalities Impact of the Proposal

16. 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

17. There is minimal environmental impact of these proposals.

Workforce Implications

18. 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

19. 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.

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

20. There are no risks identified as no substantive changes are being made in the proposed draft Statement of Gambling Principles.

Financial Implications

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

Legal Implications

22. 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 considered 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.

Overview and Scrutiny Engagement

24. 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.

Options Considered

25. The adoption of a revised Gambling Statement of Principles by 31 December 2024 is a statutory requirement, so there are no other legal options apart from adoption.

Conclusions

26. That Council approves the Gambling Statement of Principles (2025 -2027) (Appendix 1) under the Gambling Act 2005 which come into force on 1 January 2025.

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Appendices

Appendix 1 – Wiltshire Council Gambling Statement of Principles (2025-27)

Background Papers

- [Gambling Act 2005 \(legislation.gov.uk\)](https://www.legislation.gov.uk)
- [Guidance to licensing authorities - Consultation \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk)
- Wiltshire Council's Current Gambling Statement of Principles [Gambling - Wiltshire Council](#)