

Wiltshire Council

Licensing Committee

27 April 2015

Gambling Policy Statement of Principles - Update

Summary

To provide background information concerning the new proposed Gambling Policy Statement of Principles.

Proposal(s)

It is recommended:

That the Licensing Committee requests officers to carry out a 12 week consultation process on the proposed Gambling Policy Statement of Principles 2015-2018.

Reason for Proposal

In order for the Licensing Authority to discharge its licensing functions it is required to draw up a Statement of Principles under the Gambling Act 2005. This policy is to be reviewed every three years and be the subject of a full consultation process.

Maggie Rae
Corporate Director

Wiltshire Council

Licensing Committee

27 April 2015

Gambling Policy

Purpose of Report

1. To provide background information concerning the new proposed Statement of Gambling Principles.
2. To recommend that the Licensing Committee request officers to carry out a full consultation of the proposed Statement of Gambling Principles. As attached at Appendix 1.
3. To inform the Licensing Committee that at its meeting in September 2015, the committee will be required to consider recommending the finalised Statement of Gambling Policy to Full Council for consideration.

Relevance to the Council's Business Plan

4. "People in Wiltshire work together to solve problems locally and participate in decisions that affect them".

"People are as protected from harm as possible and feel safe".

Main Considerations for the Council

5. It is a statutory requirement that the Statement of Gambling Principles must be approved by Council as this is not a function that can be delegated to the Licensing Committee.

Background

6. Wiltshire Council is the Licensing Authority, and is required to discharge its responsibilities under the Act 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.

The Gambling Act 2005 was designed to be light touch legislation covering a number of “licensable activities”. Such activities are defined within the Act.

Since starting on the revised statement the Gambling Commission has issued a new consultation document (end of March) the main focus of the consultation is on the Statement of Principles or Gambling Policy, and that the policy statement should now reflect:

- Local concerns, risk and features of the gambling landscape – for example demographics, socio –economic profile and the mix of gambling provided or desired.
- The importance of the statement as a regulatory tool and should also reflect the commission’s recent consultation on social responsibilities controls particularly around local risk assessments.

All councils will now be required to re-write their policies and have them in place for January 2016.

7. In order for the Licensing Authority to discharge its licensing functions it is required to draw up a Statement of Gambling Principles under the Gambling Act. This policy is to be reviewed every three years and be the subject of a full consultation process.
8. The draft statement of principles attached already includes a number of the areas highlighted by the Gambling Commission, but will require some minor amendments to incorporate the Gambling Commissions requirements/ proposals once their 12 week consultation is finalised. A copy of the current Statement of Principles is attached as Appendix 2 for information.
9. Officers will arrange to carry out an extensive public consultation process over a twelve week period to consider the views of those affected and the public of Wiltshire.

Safeguarding Implications

10. One of the key objectives of, the Gambling Act 2005 is ‘Protection 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

11. The Licensing and Public Health teams work together within the council to ensure that the health impacts of Gambling are considered. With the Commissions proposed changes which offer Licensing Authorities the opportunity to carryout local area profiles, which will draw data about risk from a number of bodies including public health or to require operators to

carry out their own premises risk assessments, Public Health will have a greater role in ensuring the vulnerable are better protected.

Environmental and Climate Change Considerations

12. There is minimal environmental impact of these proposals.

Corporate Procurement Implications

13. There are no procurement implications contained within this report.

Equalities Impact of the Proposal

14. 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

15. 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 undertake its statutory responsibilities and functions under the Act.

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

16. Criticism of the Council and compromise the reputation of the Wiltshire Council.

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

17. There are no particular risks identified from any of the proposals.

Financial Implications

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

Legal Implications

19. As stated, the Council is required, under the Gambling Act 2005, to prepare and publish a statement of principles in relation to the exercise of its functions under the Act. This statement must be kept under review and reissued for each three year period. The Statement, once adopted, is a material consideration to be taken into account when the Council is exercising any of its functions under the Act. When preparing its Statement, the Council is required to consult the police, person representing gambling businesses and person representing the interests of people likely to be affected by gambling. In accordance with the Act and the Council's constitution, the Statement must be approved by full Council.

20. 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.

Conclusions

21. The adoption of a revised Statement of Gambling Principles by January 2016 is a statutory requirement.

Proposal

22. That the Licensing Committee requests Officers to carry out a 12 week consultation process on the proposed Statement of Gambling Principles 2015-2018.
23. The Licensing Committee note that at its meeting in September 2015, the committee will be required to consider commending for approval the finalised Statement of Licensing Policy to Full Council.

Reason for Proposal

24. The Wiltshire Council's Statement of Gambling Principles must be reviewed every three years and be the subject of a full consultation process.

Maggie Rae
Corporate Director

Report Author: Linda Holland, Public Protection Team Leader – Licensing

linda.holland@wiltshire.gov.uk, 01249 706410

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Background Papers

- Gambling Act 2005
- Gambling Commissions Guidance to Local Authorities 4th Edition
- Gambling Commissions strengthening Social Responsibility
- Gambling Commissions Guidance to Local Authorities 5th Edition (In consultation)
- Wiltshire Councils Current Gambling Statement of Principles

Appendices

1. Proposed Statement Of Principles
2. Current Statement of Principles