

Wiltshire Council

Licensing Committee

21 September 2015

Statement of Gambling Principles

Summary

This report describes the consultation results following the public consultation of the draft Statement of Gambling Principles. This report highlights the amendments that have been made to the previous draft considered by the Licensing Committee on 28 April 2015.

Proposal(s)

It is recommended:

That the Licensing Committee notes the amendments made to the Statement of Gambling Principles and commends the Statement of Gambling Principles (final draft) in relation to the Gambling Act 2005 to Full Council for approval at its meeting on 29 September 2015.

Reason for Proposal

The Council must review its Statement of Gambling Principles every three years. The Statement of Gambling Principles is due for review and must be consulted on and ratified by Full Council prior to it coming into force. Following acceptance of the amendments made by this Licensing Committee, a final draft version of the Statement of Gambling Principles will be required to be submitted to Full Council on 29 September 2015.

Maggie Rae
Corporate Director

Wiltshire Council

Licensing Committee

21 September 2015

Statement of Gambling Principles – Update

Purpose of Report

1. To ask the Licensing Committee to note the consultation undertaken and subsequent amendments made to the Council's draft Statement of Gambling Principles (in relation to the Gambling Act 2005).

That the Licensing Committee commends the Statement of Gambling Principles in relation to the Gambling Act 2005 to Full Council for approval at its meeting on 29 September 2015.

Relevance to the Council's Business Plan

2. "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

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

Background

4. 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.

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

Social responsibility is an important element of the Statement of Gambling Principles and we have taken this into consideration following the new 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 Gambling Principles in relation to the Gambling Act 2005. This policy is to be reviewed every three years and be the subject of a full consultation process.
6. The report presented on 28 April 2015 sought Members' support to carry out the consultation of the draft Statement of Gambling Principles.
7. This report advises Members of the consultation that has taken place and outlines the comments received and drafts made on the Council's draft Statement of Gambling Principles.

Consultation

8. Consultation period: May 2015 – August 2015

8.1 List of Consultees included:-

- The Gambling Commission
- Wiltshire Police
- Wiltshire Fire Service
- Local Planning Authority
- Environmental Health
- Children and Family Services
- Wiltshire Council Members
- HM Revenue and Customs
- Kennet and Avon Canal Trust
- Environmental Agency
- Coral Racing
- Betfred
- William Hill
- Ladbrokes
- Stan James
- All licensed gambling premises in Wiltshire
- All premises with gaming machine permits.

- 8.2 All statutory consultees have received a full copy of the draft Statement of Gambling Principles and notification of that draft was given to all Council Members. Further, all relevant premises and specific bodies requesting information have been advised of the draft Statement of Gambling Principles and its availability. Finally, a copy of the draft Statement of Gambling Principles was also available on Wiltshire Council's Website.

- 8.3 The Statement of Gambling Principles is a draft document setting out the Council's proposals to ensure a balanced approach towards the licensing of premises. The draft Statement of Gambling Principles has been based on the requirements of the Gambling Act 2005 and includes the changes

required as a result of either new or amended legislation, regulations or guidance issued by the Secretary of State.

- 8.4 There were three responses received from the public consultation; one response was received from a Responsible Authority, Children Services (Appendix 1) and one from a Consultee, Coral Racing (see attached Appendix 2). A response was also received from Power Leisure Bookmakers Limited via Poppleston Allen Licensing Solicitors (see attached Appendix 3).
- 8.5 The Thematic Table of Responses is attached as Appendix 4. Changes proposed to the draft policy as a result of those responses are shown in red on the revised draft.

Safeguarding Implications

9. 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

10. 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

11. There is minimal environmental impact of these proposals.

Equalities Impact of the Proposal

12. 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

13. 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

14. Criticism of the Council and thus compromise the reputation of Wiltshire Council.

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

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

Financial Implications

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

Legal Implications

17. As stated, the Council is required under the Gambling Act 2005, to prepare and publish a Statement of Gambling Principles in relation to the exercise of its functions under the Gambling Act 2005. Once adopted, the Statement of Gambling Principles 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 of Gambling Principles, 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 Statement of Gambling Principles must be approved by Full Council.
18. 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

19. The adoption of a revised Statement of Gambling Principles by 1st November 2015 is a statutory requirement.

Proposal

20. To ask Members to note the consultation undertaken and subsequent amendments made to the Council's draft Statement of Gambling Principles (in relation to the Gambling Act 2005).
21. That Members of the Licensing Committee approve the additional wording on Social Responsibility from the Gambling Commission Guidance (Strengthening Social Responsibility) as stated in 3.4 of the Statement of Gambling Principles.
22. That the Licensing Committee commends the Statement of Gambling Principles, as attached as Appendix 5 to this report, in relation to the

Gambling Act 2005 to the Council for approval at its meeting on 29 September 2015.

Reason for Proposal

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

Maggie Rae
Corporate Director

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9 September 2015

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 Council's Current Gambling Statement of Principles

Appendix

1. Response received from Children's Services Department
 2. Response received from Coral Racing
 3. Response received from Power Leisure Bookmakers Limited
 4. Table of Thematic Responses
 5. Wiltshire Council Statement of Gambling Principles 2015 - 2018
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