



## Report of the Cabinet Member for Delivery

Council – 20 December 2018

### Review of the Gambling Policy

<b>Purpose:</b>	To consider the proposed amendments to the Gambling Policy.
<b>Policy Framework:</b>	The City and County of Swansea, Statement of Principles, Gambling Act 2005. (The Gambling Policy)
<b>Consultation:</b>	Legal, Finance and Access to Services.
<b>Recommendation(s):</b>	It is recommended that:  1) The proposed amendments to the Policy are approved and the revised policy attached at Appendix A is adopted.
<b>Report Author:</b>	Lynda Anthony
<b>Finance Officer:</b>	Paul Roach
<b>Legal Officer:</b>	Lyndsay Thomas
<b>Access to Services Officer:</b>	Rhian Millar

#### 1. Introduction

- 1.1 The Gambling Act 2005 (the Act) requires the City and County of Swansea, as the Licensing Authority, to review its Statement of Principles under the Gambling Act 2005, (Gambling Policy), every three years.
- 1.2 The current Gambling Policy was adopted at Council on 26<sup>th</sup> November 2015 for publication in December 2015.
- 1.3 The reviewed Policy must be issued for consultation and adopted by Council before publication. The Policy must be published at least 4 weeks before it comes into effect on the 31<sup>st</sup> January 2019.

## **2. The Gambling Policy**

- 2.1 The Gambling Policy must comply with the requirements of the Act. Account should also be taken of guidance issued by the Gambling Commission (The Guidance).
- 2.2 The Guidance was first issued in April 2006 and has subsequently been revised. The latest version (5<sup>th</sup> edition) was issued in September 2015.

## **3. Proposed Changes to the Policy**

- 3.1 Officers have undertaken a full review of the policy in accordance with the current guidance. A copy of the draft of the revised Policy is attached at Appendix A to this report. The changes proposed are identified in bold italics and any text to be removed is shown by striking through.
- 3.2 The majority of the Policy has not been changed. Where changes have been made, these are to reflect the changes made to The Guidance and also to provide clarification in respect of specific matters.
- 3.3 The main changes proposed are:
  - The foreword has been amended to include more detail regarding the requirement to publish the statement of principles and also specifies the relevant section of the Act (Page 3).
  - Further details have been provided in relation to the Gambling Commission Guidance, details of the edition have been added and reference made to any subsequent updates (Paragraph 2.4, page 4).
  - The County's population has been amended (Paragraph 3.1, page 5).
  - A sentence has been added signposting readers to further information about Swansea (Paragraph 3.5, page 5).
  - Additional wording has been included specifying the reasons representations or applications for licence reviews can be made based on the three licensing objectives. The specific section of the Act that defines Interested Parties has also been added (Paragraph 6.1, page 6).
  - The date of the Data Protection Act has changed from 1998 to 2018 and reference to the General Data Protection Regulations 2016 have been included (Paragraph 8.1, page 9).
  - Additional information has been added in respect of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) and a specific reference made to the social responsibility code (Paragraph 12.5, page 11).

- A paragraph has been added stating that the number and category of gaming machines is set down by the Act and any subsequent changes to legislation. A link to the Gambling Commission's website for current information has been included (Paragraph 12.6, page 11).
- A sentence has been added specifying that Occasional Use Notices must be submitted for each day betting is to take place (Paragraph 37.1, page 30).
- Additional wording has been included in relation to Local Risk Assessments for Operators setting out the Licensing Authority's expectations of Operators and clearly stating that risk assessments are to be kept on individual premises and be available for inspection (Paragraph 40.2, page 34).
- Additional wording has been added detailing additional matters to be considered when carrying out risk assessments (Paragraphs 40.3 and 40.4, pages 34 & 35).
- The contact details for the Department for Digital, Culture, Media & Sport have been updated (Paragraph 48.0, page 37).
- The list of consultees has been updated to include Public Health Wales at the suggestion of Gambling Commission (Appendix B, page 39).

#### **4. The Consultation**

- 4.1 Extensive consultation on the proposed amendments to the policy has been undertaken involving existing licence holders, representatives of persons carrying on gambling businesses, statutory bodies, representatives of interested parties and City and County of Swansea Members.
- 4.2 The consultation period ended on the 19<sup>th</sup> October 2018, no responses were received therefore no further changes to the Policy are proposed.

#### **5. Equality and Engagement Implications**

- 5.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not.

Our Equality Impact Assessment process ensures that we have paid due regard to the above.

- 5.2 An Equalities Impact Assessment (EIA) Screening Form has been completed with the agreed outcome that a full EIA report is not required. A copy of the screening form is attached at Appendix B

## **6. Financial Implications**

- 6.1 There are no financial implications associated with this report.

## **7. Legal Implications**

- 7.1 It is a legal requirement that the Policy is reviewed every three years.
- 7.2 The Act, statutory guidance and statutory instruments set out requirements regarding the form and content of the Policy.

### **Background Papers:**

Gambling Commission guidance to licensing authorities (5<sup>th</sup> edition).

### **Appendices:**

Appendix A – Draft Gambling Policy

Appendix B – EIA screening