



Report of the Cabinet Member for Delivery & Operations

Cabinet – 16 September 2021

Review of the Gambling Policy

Purpose:	To seek agreement for the draft of the revised Gambling Policy, for the period January 2022 to January 2025, to be issued for consultation.
Policy Framework:	The City and County of Swansea, Statement of Principles, Gambling Act 2005. (The Gambling Policy)
Consultation:	Legal, Finance and Access to Services.
Recommendation(s):	It is recommended that Cabinet: 1) Agree the proposed changes to the Council's Gambling Policy; 2) Agree that the revised Policy is issued for consultation prior to reporting back to Council for adoption.
Report Author:	Lynda Anthony
Finance Officer:	Aimee Dyer
Legal Officer:	Aled Gruffydd
Access to Services Officer:	Rhian Millar

1.0 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 20th December 2018 and came into effect on the 31st January 2019.

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 31st January 2022.

2.0 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 was updated in May 2021.

3.0 Proposed Changes to the Policy

3.1 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:

- Updated information relating to The Guidance to Licensing Authorities has been inserted (Paragraph 2.4).
- The data relating to the County's population and land area has been amended (Paragraph 3.1).
- SA1 area included (Paragraph 3.2).
- Specific link for Responsible Authority list included (Paragraph 5.3).
- The paragraph relating to Exchange Of Information has been reworded to include specific and relevant sections of Acts (Paragraph 8.0).
- Additional information has been added in respect of illegally sited machines and enforcement (Paragraphs 9.8 – 9.12).
- The paragraph relating to the no casino resolution has been reworded to include the dates of all previous resolutions (Paragraph 18.1).
- A paragraph has been added stating that Licensed Family Entertainment Centre (FEC) applicants are expected to provide evidence that suitable criminal records checks have been conducted on all staff in employment (Paragraph 27.5).

- A paragraph has been added stating that Unlicensed Family Entertainment Centre (UFEC) applicants are expected to provide evidence that suitable criminal records checks have been conducted on all staff in employment (Paragraph 32.5).
- A paragraph relating to satisfactory measures regarding the supervision of gaming machines in licensed premises has been reworded to include a further suggestion (Paragraph 33.5).
- A paragraph has been added to emphasise that the licensing authority has the discretion to specify the number of permitted gaming machines in an alcohol-licensed premises holding a gaming machine permit (Paragraph 33.10).
- The contact details for the Department for Digital, Culture, Media & Sport have been updated (Paragraph 48.0).
- Removal of “Gambling Commission” from the main list as it is duplicated in the sub section for “Responsible Authorities” (Appendix B - Consultees).
- Insertion of “GambleAware” the new name for Responsibility in Gambling Trust (Appendix B - Consultees).

4.0 Integrated Assessment Implications

4.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, 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 Acts.
- 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.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

4.1.1 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in

accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

4.1.2 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

4.2 An Integrated Impact Assessment (IIA) Screening Form has been completed with the agreed outcome that a full IIA report is not required. A copy of the form is attached at Appendix B to the report. The high impact noted for poverty/social exclusion is considered to have a positive impact in line with Council initiatives. The reviewed Policy must be issued for consultation and adopted by Council before publication. The IIA screening form will be updated following the consultation and any issues identified from the consultation will be considered.

5.0 Financial Implications

5.1 There are no financial implications associated with this report.

6.0 Legal Implications

6.1 It is a legal requirement that the Policy is reviewed every three years.

6.2 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.
<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

Appendices:

Appendix A - Draft Gambling Policy.

Appendix B - Integrated Impact Assessment (IIA) screening form.