



## Report of the Cabinet Member for Corporate Services & Performance

Council – 5 December 2024

### 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>	Extensive consultation on the proposed amendments to the policy has been undertaken involving representatives of persons carrying on gambling businesses, statutory bodies, representatives of interested parties and City and County of Swansea Members. Legal, Finance, Access to Services have also been consulted in respect of this report.
<b>Recommendation(s):</b>	It is recommended that:  1) The proposed amendments to the Policy are approved and the revised policy attached at Appendix C is adopted.
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#### 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 2nd December 2021 and came into effect on the 31<sup>st</sup> January 2022.
- 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 2025.

## **2.0 The Gambling Policy**

- 2.1 The Gambling Policy must comply with the requirements of the Act and 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 published in April 2021 and last updated in April 2023.

## **3.0 The Consultation**

- 3.1 Extensive consultation on the proposed amendments to the policy has been undertaken involving representatives of persons carrying on gambling businesses, statutory bodies, representatives of interested parties and City and County of Swansea Members.
- 3.2 The consultation period ended on the 11<sup>th</sup> October 2024 and 3 responses were received. These were from the Lotteries Council, Gosschalks Solicitors, acting for the Betting and Gaming Council and Swansea Bay University Health Board (SBUHB). Copies of the responses are attached at Appendix A to the report.

## **4.0 The Responses**

- 4.1 Each of the comments received in respect of the draft policy is included in the table attached at Appendix B, together with officer observations in response to the comments made and whether changes to the policy are proposed as a result.
- 4.2 The responses received from Gosschalks Solicitors and SBUHB also included additional background information which is not included in the table as it does not specifically relate to the draft policy.

## **4.3 The Lotteries Council**

- 4.3.1 The specific comments from the Lotteries Council, in respect of the amended Policy, received on the 24th September 2024 relate to paragraphs 7.2 and 38.

#### **4.4 Gosschalks Solicitors**

4.4.1 The additional information from Gosschalks Solicitors confirms that the response is submitted on behalf of the Betting and Gaming Council (BGC), details their role as the standards body for the UK's regulated betting and gaming industry, their objectives, summarises betting and gaming in the UK and problem gambling, provides background information in relation to advertising and sponsorship and misleading/ambiguous signage. The response also explains the BGC approach to partnership working with local authorities, its views on the differentiation between Licensing Act 2003 and Gambling Act 2005 applications.

4.4.2 The specific comments from Gosschalks in respect of the amended Policy, received on the 7th October 2024, relate to paragraphs 39.2.4, 39.4.8, 39.4.9 and 40.3.

#### **4.5 SBUHB**

4.5.1 The additional information from SBUHB provides background information in relation to SBUHB, the Population Health Strategy, approved in March 2023 and information relating to problem/harmful gambling.

4.5.2 The specific comments from SBUHB in respect of the amended Policy, received on the 11<sup>th</sup> October 2024, relate to paragraphs 3.0, 12.4, 12.5 and 47.1.

#### **5.0 Proposed Changes to the Policy**

5.1 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 C to the report. The changes proposed are identified in bold italics and any text to be removed is shown by striking through.

5.2 The majority of the Policy has not been changed. Where changes have been made, these are in relation to dates referred to within the document, population detail, updates to relevant links provided and following comments received during the consultation period.

5.3 The main changes proposed are:

- Foreword – Dates to be changed to January 2025-January 2028
- 2.2 – Dates to be updated to 2025-2028
- 2.4 – Date of last review of Guidance to be updated.
- 2.6 – Dates to be updated to reflect current review period and link to be provided.

- 3.1 – To be updated to reflect current population figures.
- 4.1 – Consultation dates to be updated.
- 5.3 - Link to the contact details for responsible Authorities to be updated.
- 12.5 – Link to the Licence Conditions and Codes of Practice ([gamblingcommission.gov.uk](http://gamblingcommission.gov.uk)) to be updated.
- 12.6 – Link to Gambling Commission to be updated.
- 18.1 – No Casino Resolution dates to be updated
- 38.0 – Link to be added in relation to Small Society Lotteries.
- 48.0 – Licensing address and website details to be updated.

5.4 In addition to the above changes, following receipt of the consultation responses, it is also proposed that the additional amendments detailed below and referred to in the table at Appendix B of the report, are included in the policy.

- 7.2 - Reference to the National Lottery Commission to be deleted and replaced with Gambling Commission.
- 38.0 - Policy amended to add paragraphs 38.1 – 38.3, to reflect the Licensing Authority approach and link updated.
- 39.4.8 - Amendment to make it clear that the information is to be included in the applicant's local risk assessment.

## **6.0 Integrated Assessment Implications**

6.1 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.

6.2 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'.

6.3 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.

6.4 An Integrated Impact Assessment (IIA) Screening Form has been completed with the agreed outcome that a full IIA report is not required. The high impact noted for poverty/social exclusion is considered to have a positive impact in line with Council initiatives. The draft Policy was issued for consultation and the IIA screening form reviewed following receipt of the consultation responses with no further amendments required. A copy of the screening form is attached at Appendix D.

## **7.0 Financial Implications**

7.1 There are no financial implications associated with this report.

## **8.0 Legal Implications**

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

8.2 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 - Consultation Responses.

Appendix B - Table of Responses/Officer Observations

Appendix C - Revised Policy

Appendix D - IIA Screening Form.