

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Council

27th November 2024

Report of the Head of Legal and Democratic Services – Mr Craig Griffiths

Matter for Decision

Wards Affected: All

Gambling Act 2005 - Review of Gambling Policy

Purpose of the Report

1. To consider adopting a revised Gambling Policy following the end of the consultation exercise.

Executive Summary

2. The Council, as the Licensing Authority, under the provisions of the Gambling Act 2005 is required to review its Gambling Policy every 3 years.
3. At a meeting of Council on the 4th September 2024, members determined to issue the draft revised Gambling Policy for consultation.
4. A consultation exercise was undertaken for 6 weeks between September and November 2024; there were two responses to the consultation.
5. The final revised Gambling Policy 2025 is attached at Appendix 1 to this report.

Background

6. The Council, as the Licensing Authority under the provisions of the Gambling Act 2005 is required to review its Gambling Policy every 3 years.
7. The current Gambling Policy was adopted at Council on the 22nd December 2021.
8. The revised Gambling 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 2025.

Officer Report

9. A consultation exercise was undertaken for 6 weeks between September and November 2024 and included statutory consultees, various interested parties and published on the Council's "have your say" part of the website.
10. The Department for Culture, Media and Sport ("DCMS") published its Gambling White Paper in April 2023, which sets out the Government's plans for modernising the regulation of the gambling sector. The DCMS are still analysing evidence submitted as part of the consultation process and it is not yet known what changes will be implemented. Accordingly, the proposed policy has been considered in line with the current statutory and practice guidelines.
11. Advice presented by a Gambling Commission officer at the most recent Wales Licensing Expert Panel meeting, suggested that Local Authorities make only minor amendments to their policies, such as updating dates, contact details and localised references, whilst the DCMS review is ongoing. This was the approach taken by officers when updating the policy which would enable to Council to meet its legal obligations and in line with their recommendations.
12. The consultation exercise resulted in two representations, from Gamcare and Swansea Bay University Health Board. Both have provided detailed submissions which ask the Council to consider further development of the policy in some areas. These representations are attached at Appendix 2 to this report. The focus being on the local authority undertaking a spatial assessment of the local environment and map areas of concern based on potential risks to gambling-related harm, or problem gambling (the Local Area Profile or LAP)

13. As the statutory timescales require the Council to publish a new Gambling Policy by the 3rd of January 2025 to be effective by the 31st January 2025, there is a requirement to approve a policy to meet legal requirements.
14. To address the specific points raised in the consultation, completion of a LAP is not a statutory requirement and where a LAP has been completed, it is for the Council to decide whether to include it in the policy or separate from it. The Gambling Commission suggest that Councils may consider it best to have a separate LAP so that it can be reviewed and updated without the need for full consultation.
15. It is therefore proposed that work on developing a LAP for Neath Port Talbot Council is commenced immediately but will sit outside of this policy. The offer from the Swansea Bay University Health Board for further collaboration on this matter is acknowledged and welcome.
16. The Gambling Policy can be reviewed at any point as the statutory timescales for review only act as a maximum period. It is envisaged that the completion of the LAP will coincide with the changes arising from the DCMS' review of the Gambling Sector, which will provide an ideal opportunity to make the appropriate updates to the policy and also add the reference to the LAP.

No Casino Policy

17. At the time of adoption of the current Gambling Policy, Council also determined to adopt a "no casino" policy. This decision is also required to be reviewed and requires determination as part of this report.

Financial Impact

18. Not applicable

Integrated Impact Assessment

19. A first stage Impact Assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016. The first stage assessment, attached at Appendix 3, has indicated that a more in-depth assessment is not required.

Legal Impacts

20. Section 349 Gambling Act 2005 requires the Council to prepare and publish a statement of the principles that it proposes to apply in exercising its function under the Gambling Act 2005, before each successive period of three years.

Risk Management

21. Not applicable

Consultation

22. A 6-week consultation was carried out between September and November 2024 with statutory consultees, various interested parties and by publishing the policy on the Council's "have your say" part of the website.

Recommendation

23. It is recommended that, taking into account the information included in the Integrated Impact Screening Assessment
 - (a) Members approve the revised Gambling Policy set out in appendix 1 of the report.
 - (b) Members re-adopt a "no casino policy".
 - (c) Note the ongoing work proposed in developing a Local Area Profile and note this will be considered further by the Licensing and Gambling Acts Committee.

Reasons for Proposed Decision

24. In order to comply with the legal requirements as set out in the Gambling Act 2005

Implementation of Decision

25. The decision is for immediate implementation.

Appendices

26. Appendix 1 - Revised draft Gambling Policy 2025
27. Appendix 2 – Responses to Consultation
28. Appendix 3 - Integrated Impact Assessment Screening

List of Background Papers

29. Neath Port Talbot CBC Gambling Policy 2021

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