

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Council

19th December 2018

Report of the Head of Legal Services – 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 26th September 2018, members determined to issue the draft revised Gambling Policy for consultation.
4. A consultation exercise was undertaken for 6 weeks between October and November 2018; there were three responses.

Background

5. The Council, as the Licensing Authority under the provisions of the Gambling Act 2005 is required to review its Gambling Policy every 3 years.
6. The current Gambling Policy was adopted at Council on the 25th November 2015.
7. Prior to adopting a revised Gambling Policy the Council must undertake a statutory consultation exercise and then publish the policy at least 4 weeks before it comes into effect. The revised policy must be effective by the 31st January 2019.
8. At a meeting of Council on the 26th September 2018, members determined to issue the draft revised Gambling Policy 2019 for consultation.

Officer Report

9. A consultation exercise was undertaken for 6 weeks between October and November 2018 and included the statutory consultees, various interested parties and the general public.
10. There were three responses received in respect of the consultation:
11. The first response was from a member of the public who completed the online form but made no comments.
12. The second response was from GamCare who used a generic response which was sent to every LA who had consulted with them in relation to their revised Gambling Policy. GamCare's comments were concerned with protecting vulnerable members of the public from the harms of gambling, they referred to operator risk assessments, proximity of schools etc. to gambling premises, staff training and premises layouts. These matters are adequately dealt with in the policy and as a result no amendments are considered necessary.
13. The third response was from the Section of the Assistant Chief Executive and Chief Digital Officer of Neath Port Talbot CBC who provided updates in respect of the well-being boards and additional information in respect of the Council's Corporate Plan and Neath Port Talbot Public Services

Board Well-being Plan. The updates and further information have been included in the final document.

14. A clean copy of the final Gambling Policy 2019 is attached at Appendix 1 to this report and a copy showing the mark-ups is attached at Appendix 2 to this report.
15. In addition to the adoption of the revised Gambling Policy 2019, members are also being asked to consider adopting a "no casino policy". The Gambling Act 2005 states that a Licensing Authority may resolve not to issue casino premises licences. In passing such a resolution the authority may take into account and principle or matter, not just the licensing objectives. A "no casino policy" is already in place, however the resolution only lasts for 3 years and should the Licensing Authority wish to keep the policy, a new resolution now needs to be passed.

Wellbeing Assessment

16. The Well-being of Future Generations Act 2015 ("the 2015 Act") requires the Council to think about the long-term impact of their decisions, to work better with people, communities and each other and to prevent persistent problems such as poverty, health inequalities and climate change.
17. To make sure we are all working towards the same purpose, the 2015 Act puts in place seven well-being goals on the Council. The 2015 Act makes it clear the listed public bodies must work to achieve all of the goals, not just one or two, these being:
 - A prosperous Wales
 - A resilient Wales
 - A healthier Wales
 - A more equal Wales
 - A Wales of cohesive communities
 - A Wales of vibrant culture and Welsh Language
 - A globally responsible Wales

18. The 2015 Act imposes a duty on all public bodies in Wales to carry out “sustainable development”, defined as being, "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." The action that a public body takes in carrying out sustainable development includes setting and publishing well-being objectives, and taking all reasonable steps in exercising its functions to meet those objectives.
19. The 2015 Act sets out five ways of working needed for the Council to achieve the seven well-being goals, these being:
 - The importance of balancing short –term needs with the needs to safeguard the ability to also meet long-term needs
 - Considering how the Council’s objectives impact upon each of the wellbeing goals listed above
 - The importance of involving people with an interest in achieving the well-being goals and ensuring that those people reflect the diversity of the area which the Council services
 - Acting in collaboration with other persons and organisations that could help the Council meet its wellbeing objectives
 - Acting to prevent problems occurring or getting worse.
20. In response to the Well-being of Future Generations (Wales) Act 2015 the Council has set three strategic objectives which contribute to the seven national well-being goals that the Welsh Government requires all public bodies in Wales to contribute to, in order to achieve ‘the Wales we want’. The Council’s well-being objectives and the supporting improvement priorities are set out in the Council’s Corporate Plan.
21. The Gambling Policy 2019 sets out how the Licensing Authority will deal with various applications for gaming premises under the Gambling Act 2005.
22. The Gambling industry plays an important economic role in the U.K, with a £14.4bn gross gambling yield and 107,940 people employed in the gambling industry. Gambling is also a form of entertainment and social activity enjoyed by millions of people every year.

23. The Licensing Authority recognises the economic benefits of gambling and the need for people to have access to entertainment facilities of their choosing, which includes access to gambling facilities. It is important however that gambling is conducted in a responsible manner and has appropriate safeguards in place to protect vulnerable members of society.
24. Safeguards in the Gambling Policy 2019 include measures to protect children and vulnerable adults from the harms of gambling. Operators are required to develop risk assessments tailored to the locality in which they are located, paying particular attention to preventing children from accessing gambling facilities, identifying persons at risk from being harmed by gambling and supporting these people through exclusion schemes and referrals to various support networks.

Financial Impact

25. Not applicable

Equality Impact Assessment

26. A Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this policy does not require an Equality Impact Assessment.

Legal Impacts

27. 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 Act, before each successive period of three years.

Risk Management

28. Not applicable

Consultation

29. Consultation was undertaken within the context set out in this report.

Recommendation

30. That members approve the revised Gambling Policy set out at appendix 1 of the report.
31. That members re-adopt a "no casino policy".

Reasons for Proposed Decision

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

Implementation of Decision

33. The decision is for immediate implementation.

Appendices

34. Appendix 1 - Revised Gambling Policy 2019 (clean version)
35. Appendix 2 - Revised Gambling Policy 2019 (showing mark-ups)
36. Appendix 3 - Equality Impact Assessment

List of Background Papers

37. Gambling Commission Guidance
38. Gambling Commission Code of Practice
39. Neath Port Talbot CBC Gambling Policy 2016

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