



**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**CABINET**

**18<sup>TH</sup> OCTOBER 2021**

**GAMBLING ACT 2005**

**STATEMENT OF PRINCIPLES (LOCAL POLICY) 2022 – 2025**

**REPORT OF DIRECTOR – PUBLIC HEALTH, PROTECTION & COMMUNITY SERVICES IN DISCUSSIONS WITH CLLR RHYS LEWIS, CABINET MEMBER FOR STRONGER COMMUNITIES, WELL-BEING AND CULTURAL HERITAGE**

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**1. PURPOSE OF THE REPORT**

- 1.1 The purpose of the report is to consider the revised Statement of Principles, under the provisions of the Gambling Act 2005 (i.e. the local policy statement for the management of gambling activity within the boundary of Rhondda Cynon Taf County Borough Council), for the period 2022 – 2025 in accordance with statutory requirements.

**2. RECOMMENDATIONS**

It is recommended that the Cabinet:

- 2.1 Consider the new Gambling Act 2005 - Statement of Principles (Local Policy) 2022-25.
- 2.2 Commend the new Gambling Act 2005 - Statement of Principles (Local Policy) 2022-2025 to Council for adoption in line with statutory requirements.

**3. REASONS FOR RECOMMENDATIONS**

- 3.1 Section 349 of the Gambling Act 2005 dictates that a Licensing Authority, here being Rhondda Cynon Taf County Borough Council, shall before each successive period of three years:
- a) prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period, and
  - b) publish the statement.

- 3.2 The recommendations set out in this report are to ensure Rhondda Cynon Taf County Borough Council delivers its obligations under the said Act.

#### **4. BACKGROUND**

- 4.1 The proposed Statement of Principles must be published by 3<sup>rd</sup> January 2022 in order to come into effect from 31<sup>st</sup> January 2022.
- 4.2 The Statement of Principles is the policy framework which sets out the expectations of the Licensing Authority in matters relevant to the Gambling Act 2005. (The title 'Statement of Principles' is used to differentiate the document from the Licensing Policy which refers specifically to matters determined under the Licensing Act 2003).
- 4.3 There is a statutory requirement to review the Statement of Principles on a 3 yearly basis and the current statement has therefore been subject to review. The process for the review is very prescriptive, in that the Gambling Commission have set out in their Statutory Guidance both the format and content of the Statement of Principles. Whilst it is recognised that the position of respective Licensing Authorities may vary according to the local needs of their area, the format of all policy statements will essentially be the same. This is considered to be in the interest of the trade to enable there to be effective assessment of the policy documents and ease of comparison between authorities.

#### **Statement Review:**

- 4.4 The gambling trade in Rhondda Cynon Taf is very well regulated. The trade is essentially static, with little change in trading position from month to month. Complaints are minimal; licence changes are rare and to date there have been no contested applications which have required determination by the Licensing Committee. As a consequence, there is a 'light touch' approach to enforcement. The Licensing Authority however works closely with the Gambling Commission in respect of complaints received, legislative change and best practice which may impact on gambling activity in our communities.
- 4.5 In view of the foregoing and having considered the very limited amendments to the legislation in the past three years, it is considered that the current Statement of Principles (2019-2022) remains broadly fit for purpose. It has however been reviewed to take account of legislative change and best practice. Such changes do not substantially affect the position of the Licensing Authority in the manner in which it regulates gambling activity in the public interest in Rhondda Cynon Taf.

- 4.6 The structure of the document remains similar to the current Policy, however there are minor amendments to details and some additions, these are highlighted below:
- Para 12.1 – Additional wording noting child protection requirements supersede data protection legislation limitations – this was requested by the child protection team following the consultation.
  - Para 13.6 – Sources of reference added included South Wales Police and Bangor University.
  - Para 16 – Whole section is new. This specifies Gambling Operational Risks, referring to how a premise should be run and considerations such as premises design risk, interior design risk, exterior design risk and control measures.
  - Para 17.1 – Amendments to wording.
  - Para 19.1 – Addition of wording ‘how to identify potential child sexual exploitation and grooming’.
  - Appendix C – This is the summary of machine provisions by premises, added for ease of reference to note the gaming entitlement within the different type of premises.
- 4.7 A copy of the Draft Gambling Act 2005 Statement of Principles (Local Policy) for 2022 to 2025 is provided as **Appendix 1**.

## **5. EQUALITY AND DIVERSITY IMPLICATIONS**

- 5.1 An Equality Impact Assessment (EqIA) screening form has been prepared for the purpose of this report. It has been found that a full EqIA is not required.
- 5.2 The report does not impact on any one group more than others, except for in a positive nature towards children. The safeguarding of children is a significant consideration for Rhondda Cynon Taf County Borough Council as well our key stakeholders and partners. This report is compiled with the intention of keeping children safe and minimising the risk of them and vulnerable adults coming to harm through access to gambling.

## **6. WELSH LANGUAGE IMPLICATIONS**

- 6.1 There are no positive or negative impacts within this report on the Welsh Language. The report is specifically set to abide with legislative requirements.

## **7. CONSULTATION**

- 7.1 The statutory guidance sets out the format of consultation required for the document. The governing principle is proportionality of the type and scale of consultation to the potential impacts of the proposal or decision being taken. It is also accepted that there may be circumstances where consultation is not appropriate, for example, for minor or technical amendments to regulation or existing policy frameworks, particularly where adequate consultation has taken place at an earlier stage.
- 7.2 Based on agreements with the Gambling Commission for previous reviews and given the relatively minor changes introduced it was decided a consultation period of 4 weeks be conducted, which expired on 13<sup>th</sup> August 2021. The consultation has taken the format of direct contact with interested parties as specified in the draft document, a published notice on the Council's website as well as social media pages and premises where COVID vaccinations were being held to assist a larger input. This process highlighting the review and directing people to the website or to contact the licensing office to view a hard copy.
- 7.3 Only one representation was received during the consultation process, this coming from the Child Protection Team within Rhondda Cynon Taf County Borough Council.
- 7.4 Contact was also received from Poppleston Allen solicitors who were representing a number of clients within the industry. No additional comments were received.

## **8. FINANCIAL IMPLICATION(S)**

- 8.1 There are no financial implications arising from this report.

## **9. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED**

- 9.1 Section 349 of the Gambling Act 2005 dictates that a Licensing Authority, here being Rhondda Cynon Taf County Borough Council, shall before each successive period of three years,
- a) prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period, and
  - b) publish the statement.
- 9.2 Failure to prepare a statement of principles and publish it at least 4 weeks before 31<sup>st</sup> January 2022 may result in Rhondda Cynon Taf County Borough Council failing to exercise their Statutory functions.

## **10. LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT.**

- 10.1 Gambling is a widespread and socially acceptable activity in the UK. While most people who participate in gambling activities do so without any significant problems, for others gambling is problematic, causing damage to their health and to wider society.
- 10.2 Gambling is an emerging public health issue in Wales. This Policy will help to achieve a transparent and cohesive approach by all gambling premises within Rhondda Cynon Taff and those responsible for the safe and effective management of those premises.
- 10.3 One of the key focus within the policy is the intention for betting establishments to give careful consideration to applications for premises located near schools or other venues frequented by children and young adults, as well as licensed premises selling alcohol and religious buildings. Each premises must compile a local area risk assessment and review these continuously.
- 10.4 These considerations within the Policy clearly contribute to delivering the Council's priority for improving health and supporting residents within the community.
- 10.5 Keeping children safe from harm is not just a local priority but a significant national concern. This policy assists in working towards this which in turn promotes the Well-being of Future Generations Act.

## **11. CONCLUSION**

- 11.1 Having considered the highly regulated nature of the gambling trade in Rhondda Cynon Taf, together with the relatively minor changes to legislation in the preceding 3 years, the current Statement of Principles continues to be broadly fit for purpose, requiring only minor amendment.
- 11.2 The amendments are reflected in the Draft Statement of Principles (Appendix 1) and it is recommended that this be accepted as the Statement of Principles for the forthcoming period 31<sup>st</sup> January 2022 – 2025.

### **Other Information:-**

#### **Relevant Scrutiny Committee**

Health and Well-being Scrutiny Committee

**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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PORTFOLIO HOLDER, CLLR RHYS LEWIS**

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**Background papers**

None

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