

REPORT TO: Regulatory Committee

DATE: 4 July 2018

REPORTING OFFICER: Strategic Director Enterprise, Community and Resources

PORTFOLIO: Resources

SUBJECT: Gambling Act 2005 Statement of Gambling Policy

WARDS: Boroughwide

1. PURPOSE OF REPORT

To authorise a consultation on a review of the Council's statement of gambling policy.

2. RECOMMENDED: That:-

(1) The Operational Director Legal and Democratic Services (OD-LD) be authorised to undertake a consultation exercise in respect of the Council's Statement of Gambling Policy in accordance with section 349 Gambling Act 2005;

(2) The OD-LD determine all matters relating to the consultation process; and

(3) The matter be reported back to the Regulatory Committee following the completion of the consultation process.

3. SUPPORTING INFORMATION

3.1 In 2016 the Council adopted the current Statement of Gambling Policy in compliance with its obligations under section 349 Gambling Act 2005. Statements of Gambling Policy are also referred to as the "Three-year licensing policy" and the "statement of principles". The function of a Statement of Gambling Policy is to set out the principles that the Council propose to apply in exercising its functions under the Gambling Act 2005.

3.2 Statements of Gambling Policy last for periods of three years and must be reviewed by the Council for successive three year periods. These periods are maximum periods and Statements of Gambling Policy may be reviewed at shorter intervals should the need arise. A Statement of Gambling Policy cannot be re-adopted/revised before the completion of a consultation exercise. The current Statement of Gambling Policy is due to expire at midnight on 30th January 2019 and the new Statement of Gambling Policy must be in place on 31st January 2019.

- 3.3 The form and content must comply with regulations (see below) and with Guidance issued to local authorities by the Gambling Commission. In this agenda references to Guidance issued to local authorities refers to the current Guidance but regard had been had to the draft revised Guidance issued for consultation by the Gambling Commission in March 2015.
- 3.4 This report recommends the delegation of matters relating to the consultation process to the OD-LD. Section 349 of the Gambling Act 2005 specifies the persons who must be consulted and detailed procedures are set out in the Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006 and in Guidance issued to local authorities by the Gambling Commission.
- 3.5 Following completion of the consultation exercise any comments and recommendations received will be reported back to the Regulatory Committee at its meeting on 3 October 2018 for consideration and recommendation to full Council. The appropriate Council meeting would be 17 October 2018. The re-adoption/revision of the Statement of Gambling Policy with or without amendments is reserved for full Council to determine.
- 3.6 The consultation is about the existing Statement of Gambling Policy (which can also be viewed on the Council's website). No new amended policy guidance has been issued since the adoption of the existing policy. An updated version of the current version is attached as Appendix 1 to this report for information and to assist in the consultation process. The guidance referred to is set out the Gambling Commission's Guidance to Local Authorities 5th Edition (Part 6) issued in September 2015.
- 3.7 The Statement of Gambling Policy under section 349 Gambling Act 2005 is analogous to the Statement of Licensing Policy under section 5 of the Licensing Act 2003.

4. POLICY IMPLICATIONS

Once adopted, the Statement of Gambling Policy will be used by applicants and the Regulatory Committee in accordance with the Gambling Act 2005.

5. OTHER IMPLICATIONS

There are no other implications arising out of this report.

6 IMPLICATIONS FOR THE COUNCILS PRIORITIES

6.1 Children and Young People in Halton

The Council's Statement of Gambling Policy operates under a separate statutory code but the protection of children and other vulnerable persons from harm is one of the licensing objectives of the Gambling Act 2005.

6.2 Employment Learning and Skills in Halton

N/A

6.3 A healthy Halton

N/A

6.4 A Safer Halton

N/A

6.5 Halton's Urban Renewal

N/A

7 RISK ANALYSIS

N/A

8 EQUALITY AND DIVERSITY ISSUES

N/A

9. LIST OF BACKGROUND PAPERS UNDER SECTION 100D LOCAL GOVERNMENT ACT 1972

This report is based on the Gambling Act 2005 and the Guidance issued by the Gambling Commission. See also the Council's existing Statement of Gambling Policy.