

**REPORT TO:** Regulatory Committee

**DATE:** 3 July 2024

**REPORTING OFFICER:** Director – Legal and Democratic Services

**PORTFOLIO:** Resources

**SUBJECT:** Gambling Act 2005 Statement of Gambling Policy

**WARD(S)** Borough-wide

**1.0 PURPOSE OF THE REPORT**

1.1 To authorise a consultation on a review of the Council’s statement of Gambling Policy which is due to expire in January 2025.

**2.0 RECOMMENDATION: That:**

- i) The Director - Legal and Democratic Services (D-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;**
- ii) The D-LD determine all matters relating to the consultations process; and**
- iii) The matter be reported back to the Regulatory Committee following the completion of the consultation process.**

**3.0 SUPPORTING INFORMATION**

3.1 In 2022 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 to 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 30<sup>th</sup>

January 2025 and the new Statement of Gambling Policy must be in place on 31<sup>st</sup> January 2025. Attached to this report at **Appendix A** is the current Statement of Gambling Policy which is due to expire in January 2025.

- 3.3 Attached at **Appendix B** of this report is the new draft Statement of Gambling Policy with slight amendments, **Appendix C** of this report sets out additional paragraphs which have been added to the new draft statement, the paragraphs have been inserted after point 8 of the policy – Licensing Functions and can be found on page 7 of the policy.
- 3.4 The form and content must comply with regulations 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 has been had to the revised changes to the Guidance for Licensing Authorities issued by the Gambling Commission in April 2023.
- 3.5 This report recommends the delegation of matters relating to the consultation process to the D-LD. Section 349 of the Gambling Act 2005 specifies the person 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.
- 3.6 Following completion of the consultation exercise any comments and recommendations received will be reported back to the Regulatory Committee at its meeting on 9 October 2024 for consideration and recommendation to full Council. The appropriate Council meeting would be 4 December 2024. The re-adoption/revision of the Statement of Gambling Policy with or without amendments is reserved for full Council to determine.
- 3.7 The consultation is about the existing Statement of Gambling Policy (which can also be viewed on the Council's website). Minor policy guidance amendments have been made since the adoption of the existing policy. The guidance referred to is set out in the Gambling Commission's Guidance to Local Authorities published April 2021 (Amended April 2023).
- 3.8 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.
- 3.9 The amendments proposed from the 2022 version of the policy are minor and clarificatory in nature, but reflect current guidance.
- 4.0 **POLICY IMPLICATIONS**

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

## 5.0 **FINANCIAL IMPLICATIONS**

5.1 There are no financial implications arising out of this report.

## 6.0 **IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

### 6.1 **Children & 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 & Skills in Halton**

None identified.

### 6.3 **A Healthy Halton**

None identified.

### 6.4 **A Safer Halton**

None identified.

### 6.5 **Halton's Urban Renewal**

None identified.

## 7.0 **RISK ANALYSIS**

7.1 None identified.

## 8.0 **EQUALITY AND DIVERSITY ISSUES**

8.1 There are no equality and diversity issues to highlight.

## 9.0 **CLIMATE CHANGE IMPLICATIONS**

9.1 There are no climate change implications since the decision will have no effect on the environment.

## 10.0 **LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF**

## THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Guidance issued by the Gambling Commission	Licensing Section/ Government Website <a href="http://www.gamblingcommission.gov.uk">www.gamblingcommission.gov.uk</a>	Kim Hesketh
Halton Council's current Statement of Gambling Policy	Licensing Section/ Council website <a href="http://www3.halton.gov.uk/Documents/business/licencing/gambling">www3.halton.gov.uk/Documents/business/licencing/gambling</a>	Kim Hesketh