

**LICENSING ACT COMMITTEE****25 JULY 2024**

|                     |   |
|---------------------|---|
| <b>REPORT TITLE</b> | <b>DRAFT REVISED STATEMENT OF GAMBLING POLICY UNDER THE GAMBLING ACT 2005</b> |
| <b>REPORT OF</b>    | <b>DIRECTOR OF LAW AND CORPORATE SERVICES</b>                                 |

**REPORT SUMMARY**

The purpose of this report is to seek Committee's approval of the draft revised Statement of Gambling Policy under the Gambling Act 2005 attached at Appendix 1 to this report in order that it may be circulated for public consultation.

**RECOMMENDATION**

The Licensing Act Committee is recommended to approve the draft revised Statement of Gambling Policy to be applied under the Gambling Act 2005 attached at Appendix 1 to this report in order that it may be circulated for public consultation.

## **SUPPORTING INFORMATION**

### **1.0 REASON FOR RECOMMENDATION/S**

- 1.1 It is a statutory requirement under the Gambling Act 2005 for the Council to review and consult upon its Statement of Gambling Policy at least every three years prior to it being published.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 That the draft revised Statement of Gambling Policy be circulated for public consultation without approval from this Committee. It was considered, however, that this would deny the Committee an opportunity to input into the revision process and the draft document to be circulated.

### **3.0 BACKGROUND INFORMATION**

- 3.1 The Gambling Act 2005 requires the Council to prepare and publish a statement of the principles to be applied when exercising its functions under this Act. The Statement of Principles is referred to in this report as the Council's Statement of Gambling Policy. It is a requirement that this policy document be reviewed every three years.
- 3.2 The Council's Statement of Gambling Policy was first published in December 2006 and has been reviewed every three years in accordance with the statutory requirement. The revised draft Statement of Gambling Policy is attached at Appendix 1 to this report. The proposed revisions to the Statement of Gambling Policy are highlighted in bold.
- 3.3 In preparing its Statement of Gambling Policy or a revision of the Policy the Licensing Authority must consult with the following:
- the Chief Officer of Police for the Authority's area
  - one or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area, and
  - one or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Gambling Act 2005
- 3.4 Notification of the consultation will be published on the Council's website.
- 3.5 It is proposed that the period of consultation be between 29 July 2024 and 27 September 2024 and that the outcome of the consultation be reported to a meeting of this Committee on 23 October 2024 in order that recommendations of this Committee may be presented to full Council at its meeting on 2 December 2024 for the Statement of Gambling Policy to be approved.

### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 There are staffing cost implications to undertaking a consultation exercise which will be funded from within the Licensing budget.

## **5.0 LEGAL IMPLICATIONS**

5.1 Section 349 of the Gambling Act 2005 places a duty on the Licensing Authority to undertake a review of its Statement of Gambling Policy every three years.

5.2 The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 sets out the form and content that shall be included in the Statement of Gambling Policy and any revised version of the Policy.

## **6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

6.1 The review of the Statement of Gambling Policy will be undertaken within current resources.

## **7.0 RELEVANT RISKS**

7.1 The Statement of Gambling Policy must be published before 31 December 2024 in accordance with statutory timescales. Should the Council fail to approve a revised Statement of Gambling Policy within this timescale there is a risk that the Council could be open to challenge with regard to future decisions under the Gambling Act 2005.

## **8.0 ENGAGEMENT/CONSULTATION**

8.1 Should Committee approve the draft Statement of Gambling Policy, public consultation will take place between 29 July and 27 September 2024. Notification of the consultation will be published on the Council's website.

## **9.0 EQUALITY IMPLICATIONS**

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity. The Equality Impact Assessment relevant to the proposed amendments to the Statement of Gambling Policy is available via the link below.

<https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments>

## **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

10.1 There are no direct Environment and Climate Implications arising as a result of this report.

## **11.0 COMMUNITY WEALTH IMPLICATIONS**

11.1 There are no direct Environment and Climate Implications arising as a result of this report.

**REPORT AUTHOR: Margaret O'Donnell**  
Licensing Manager  
telephone: (0151) 691 8606  
email: [margaretodonnell@wirral.gov.uk](mailto:margaretodonnell@wirral.gov.uk)

## **APPENDICES**

Appendix 1 Draft Revised Statement of Gambling Policy

## **BACKGROUND PAPERS**

The Gambling Act 2005

The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006

The Gambling Commission's Guidance to Licensing Authorities April 2023

## **TERMS OF REFERENCE**

This report is being considered by the Licensing Act Committee in accordance with paragraph 9.2 of its Terms of Reference, which states that the principal role of the Licensing Act Committee is to act as the administrative committee, acting under statutory delegation pursuant to the Gambling Act 2005, and responsible for making decisions as Licensing Authority under the Gambling Act 2005.

## **SUBJECT HISTORY (last 3 years)**

| <b>Council Meeting</b>  | <b>Date</b>      |
|-------------------------|------------------|
| Licensing Act Committee | 24 November 2021 |
| Council                 | 6 December 2021  |