

CITY COUNCIL – 14 DECEMBER 2009

REPORT OF THE PORTFOLIO HOLDER FOR ENVIRONMENT & CLIMATE CHANGE

REVIEW OF NOTTINGHAM CITY COUNCIL STATEMENT OF GAMBLING POLICY

1 SUMMARY

- 1.1 This report seeks approval to adopt a new Statement of Gambling Policy for the City of Nottingham. A copy of the Statement of Gambling Policy 2010-2013 (the Statement) has been circulated separately to Members (Appendix 1).
- 1.2 The purpose of the Statement is to inform individuals making application for licence of the Authority's standards and values in promoting the licensing objectives within the framework of the Gambling Act 2005 (the Act) and approved guidance issued by the Gambling Commission under the Act.
- 1.3 The report also gives members the opportunity to renew the "No Casino" resolution which it passed in 2006 and which will cease to have effect in 2010 should they wish to do so.

2 RECOMMENDATIONS

IT IS RECOMMENDED that Council:-

- 2.1 has regard to the recommendation of the Executive Board of 17 November 2009 and resolves to renew its previous "No Casino" resolution pursuant to Section 166 of the Act so that with effect from 31 January 2010 no casino licences will be issued within the administrative area of the City of Nottingham.
- 2.2 continues to designate the Safeguarding Children Board for Nottingham City Council as the appropriate body to advise it on the protection of children from harm
- 2.3 has regard to the recommendation of the Executive Board of 17 November 2009 and adopts the attached Statement of Gambling Policy and

2.4 authorises the Corporate Director of Community and Culture to comply with the relevant statutory requirements in respect of the advertisement and publication of the Statement, and, should Council not agree to renew the No Casino resolution, to make the appropriate amendments to the policy deleting reference to that matter before publication.

3 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)

3.1 It is a statutory requirement that the Council, as Licensing Authority, adopt a new Statement of Policy relating to gambling to come into effect from 31 January 2010.

4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

4.1 None – this is a statutory requirement

5 BACKGROUND

5.1 The Council is a “Licensing Authority” for the purpose of the Act.

5.2 Section 349 of the Act requires an Authority to prepare, consult widely upon and publish a Statement of its Gambling Policy every three years. Such a statement must be published before the Authority carries out any function in respect of individual applications made under the terms of the Act. During the three-year period, the statement must be kept under review and the authority may make such revisions to it as it considers appropriate. The Statement is a matter which is not the sole responsibility of the Executive and only the Licensing Authority (full Council) can adopt, review, and revise it.

5.3 Before determining or altering its policy the Authority must consult at least the persons listed in the Act which are:

- The chief officer of police for the 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 this Act.

A consultation draft Statement was approved by Council at its meeting on 8 June 2009 which was released for comment between 15 June 2009 and 7 September 2009, inclusive.

Consultation took place with responsible authorities, local/national businesses and the general public. A copy of the consultation document was made available in local libraries and was also made available on the Nottingham City Council website throughout the consultation period.

Notice of the consultation was also listed in the press

Despite this there was only one response which was to say that the author had no comments. As a result of this the policy put forward for adoption is essentially the same as the consultative draft.

- 5.4 At its meeting on 8 June 2009 members were also of the mind that it was necessary and appropriate to “renew” the previous “No Casino” resolution passed by Council in December 2006 and this was therefore included in the consultation. This resolution came into effect when Part 8 of the Act came into force in May 2007 but due to section 116 of the Act this resolution will lapse in May 2010.
- 5.5 Section 175 of the Act places a statutory limit on the number of new Casino Licences which can be granted nationally. It also states that the Secretary of State shall specify which Authorities may issue such licences and prohibits applications for new licenses being made to other Authorities. As this Authority did not bid for one of the new licences applicants will therefore be prohibited from applying for a new casino licence to this authority in any event. Whilst the Secretary of State can increase the number of Casino Licences available by way of Order then so long as this Authority did not bid for such additional licences and was not prescribed by an Order as an authority which could grant such licences applicants would remain prohibited from making Casino applications to the City Council unless there was an amendment to the Act itself. There is no expectation that the Act will be amended at this time. Members should consider

whether they feel it appropriate to renew the No Casino resolution in the light of this but may have regard to the matters detailed in Appendix 3 of the Statement in determining this issue.

- 5.6 This matter was reported to Executive Board on 17 November 2009 which resolved to recommend that Council adopt the Statement and renew the No Casino resolution on the basis of the matters outlined in Appendix 3 of the Statement.
- 5.7 A copy of the final document has been provided to the Leaders of all three political groups and a copy is also available in the Members Room.

6 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)

- 6.1 The fees levied for the regime are intended to include the cost of the review of the Statement of Gambling Policy.
- 6.2 The cost of delivering the gambling regime itself is recovered from application fees that have been set within the statutory fee limits

7 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS, CRIME AND DISORDER ACT IMPLICATIONS AND EQUALITY AND DIVERSITY IMPLICATIONS)

- 7.1 Legal Implications – The Statement of Gambling Policy 2010 -2013 has been the subject of legal advice as to conformity with the relevant legislation and guidance. Under the Local Authorities (Functions and Responsibilities) (England) Regulations the production of this policy is not the sole function of the Executive. It is a statutory requirement that a Statement of Gambling Policy be approved by Full Council to take effect from 31 January 2010.
- 7.2 Legislation is still new and legal challenges have yet to be pursued regarding decisions made by Licensing Authorities.
- 7.3 The Statement of Gambling Policy has been prepared to enable fairness to all parties in relation to Equality and Diversity issues

8 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

8.1 None

9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

9.1 Gambling Act 2005

9.2 Guidance to Licensing Authorities, April 2006 (as revised and amended)

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