

CITY COUNCIL – 11 JUNE 2012

REPORT OF THE PORTFOLIO HOLDER FOR AREA WORKING, CLEANSING AND COMMUNITY SAFETY

REVIEW OF NOTTINGHAM CITY COUNCIL STATEMENT OF GAMBLING POLICY

1 SUMMARY

- 1.1 As a Licensing Authority for the purposes of the Gambling Act 2005, the Council is required to produce and publish a Statement of Gambling Policy (the Statement). A new policy is required to come into force for the three year period commencing 31 January 2013 and is required to go through a consultation process prior to its adoption. The proposed draft Statement has been circulated as a separate document to this report for approval prior to its release for public consultation. Details of the method of consultation are set out in the report.
- 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 Act and approved guidance issued by the Gambling Commission under the Act.
- 1.3 This matter was reported to Executive Board on 22 May. This is a matter which is not the sole function of the Executive and Executive Board recommended that:
- (a) Council release the draft Statement of Gambling Policy 2013 – 2016 for consultation purposes; and
 - (b) that the retention of the 'No Casino' resolution be included as part of the consultation.

2 RECOMMENDATIONS

- 2.1 That the attached Draft Statement of Gambling Policy 2013-2016 is approved and released for consultation purposes.
- 2.2 That consideration be given to retention of the 'no casino' resolution and confirm whether this matter is to form part of the consultation.
- 2.3 In the event that Council no longer wishes to retain the 'no casino'

resolution, that the Director of Community Protection be authorised to amend the draft Policy accordingly before it is released for consultation.

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 2013.

3.2 It is proposed that the outcome of the consultation process and any amendments made to the Policy as a result are reported to Council at its meeting in December 2012.

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.

Consultation should last for 12 weeks and take place in accordance with the guidance produced by the Cabinet Office.

- 5.4 Council is asked to consider whether they feel it appropriate to consult on the retention of the “No Casino” resolution passed by Council in December 2006. This resolution came into effect when Part 8 of the Gambling Act came into force in May 2007 and was renewed to take effect from 31 January 2010, but due to section 116 of the Act this resolution will lapse in January 2013.
- 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 licences being made to other Authorities. As this Authority did not bid for one of the new licences applicants are therefore 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 Gambling Act itself. There is no expectation that the Act will be amended at this time.
- 5.6 Council is asked to indicate whether at this stage it feels that it is necessary and appropriate to “renew” the previous resolution in due course and include reference to the resolution in the consultation. Some possible matters and principles to which Council could have regard in considering such a resolution are outlined in Appendix 3 of the draft Statement of Policy. At the Executive Board meeting on 22 May 2012 it was resolved that the retention of the ‘No Casino’ resolution be included as part of the consultation.

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)

- 7.1 Legal Implications - The draft Statement of Gambling Policy 2013 - 2016 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. The final Policy can only be approved by full Council and will need to be approved at its December meeting at the latest in order to comply with statutory timescales. Council is entitled to consider whether to pass a further “no Casinos” resolution but the resolution and matters to which the Council had regard in passing the resolution must form part of the policy.
- 7.2 The Statement of Gambling Policy has been prepared to enable fairness to all parties in relation to Equality and Diversity issues

8 EQUALITY IMPACT ASSESSMENT (EIA)

- 8.1 An EIA is not required as the report does not relate to new or changing services or policies.

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

- 9.1 None.

10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

- 10.1 Gambling Act 2005
- 10.2 Guidance to Licensing Authorities, April 2006
- 10.3 Guidance to Licensing Authorities as revised if available

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