

CITY COUNCIL – 10 DECEMBER 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 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 2013-2016 (the Statement) has been circulated separately to Councillors (Appendix 1).
- 1.2 The purpose of the Statement is to inform applicants for licences 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 Councillors the opportunity to renew the "No Casino" resolution, which it originally passed in 2006 and which will cease to have effect in 2013, 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 20 November 2012, and to the principles/matters identified in both the Introduction and Appendix 2 of the draft Policy, and resolves to renew its previous "No Casino" resolution pursuant to Section 166 of the Act so, that with effect from 31 January 2013, no casino licences will be issued within the administrative area of the City of Nottingham;
- 2.2 continues to designate the Nottingham City 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 20 November 2012 and adopts the attached Statement of Gambling Policy;

- 2.4 authorises the Corporate Director of Communities 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 2013.

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 the Act.

A consultation draft Statement was approved by Council at its meeting on 11 June 2012, and was released for comment between 9

July 2012 and 30 September 2012, 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, we only had two responses, details of which are at Appendix 2 with comments at Appendix 3 (both circulated separately). No changes to the Policy were considered necessary as a result of the responses.

- 5.4 At its meeting on 11 June 2012 Councillors 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 Gambling Act came into force in May 2007 and was renewed in the 2010-13 Policy, 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 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 Gambling Act itself. There is no expectation that the Act will be amended at this time. Councillors 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 2 of the Statement in determining this issue.
- 5.6 This matter was reported to Executive Board on 20 November 2012

which resolved to recommend that Council adopt the Statement and renew the “No Casino” resolution on the basis of the matters outlined in Appendix 2 of the Statement.

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.
- 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 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 the Statement be approved by Full Council to take effect from 31 January 2013.
- 7.2 The Statement has been prepared to enable fairness to all parties in relation to Equality and Diversity issues

8 EQUALITY IMPACT ASSESSMENT (EIA)

- 8.1 The equality impact of this proposal has not been assessed as it does not propose changes to current City Council 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, 4th Edition, September 2012

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