

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	4298
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Department:	Resident Services
Contact:	Paul Dales (Job Title: Food and Health & Safety Manager, Email: paul.dales@nottinghamcity.gov.uk, Phone: 0115 8761479)
Subject:	Gambling Policy - Consideration of draft Statement of Gambling Policy to start statutory consultation.
Total Value:	Nil (Type: Nil)
Decision Being Taken:	To approve the draft Statement of Gambling Policy 2022-25 be released for statutory public consultation prior to it's submission to Full Council on 8 November 2021 for consideration and adoption.
Reasons for the Decision(s)	<p>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. A new policy is required to come into force for the three year period commencing 31st January 2022. The timing to enable sufficient consultation has not permitted this to be presented at Executive Board or Council so a Delegated Decision is required to approve the draft for the purposes of public consultation. The Licensing Committee will be consulted on the draft Statement as part of the Consultation process. Before adopting a Statement of Gambling Policy, the Licensing Authority must consult with:</p> <ul style="list-style-type: none">.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 Gambling Act 2005 Act <p>It is proposed that the Statement of Policy remain substantially in the same form as the one for the 2019-2022 period with:-</p> <ul style="list-style-type: none">.Renewal of the Council's 'No Casino Resolution'.a demographic update. a legislative update and administrative amendments
Briefing notes documents:	SOGP 2022-2025 - DRAFT (003).docx

Other Options Considered: Do nothing - this option was rejected as consultation on this policy is a statutory requirement. To fail to consult would put Nottingham City Council in breach of its statutory obligations.

Background Papers: None

Published Works: Gambling Act 2005
Guidance to Licensing Authorities (further amended April 2021)

Affected Wards: Citywide

Colleague / Councillor Interests: None.

Consultations: Date: 13/07/2021
Other City Council Bodies: Chair of Licensing Committee.
Cllr Neal confirmed as Chair of Licensing Committee a desire that the 'no casino resolution' should be put to Council and reflected in the draft Statement of Gambling Policy.

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications: The Gambling Policy makes reference to the 3 Licensing Objectives;
Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
Ensuring that gambling is conducted in a fair and open way
Protecting children and other vulnerable persons from being harmed or exploited by gambling

Equality: EIA not required. Reasons: An EIA will be considered in the final statement to Council. It is not included here as this is only the draft for consultation.

Decision Type: Portfolio Holder

Subject to Call In: Yes

Call In Expiry date:

04/08/2021

Advice Sought:

Legal, Finance

Legal Advice:

Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) the production of this Statement of 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 November meeting at the latest in order to comply with statutory timescales for advertising the Policy before it comes into force. Unfortunately insufficient time has been left by the author for the consultation draft to be taken to Executive Board or Council for release for consultation but it is within the portfolio holders powers to authorise that part of the process. The Licensing Committee which carries out a majority of the Council's gambling functions (except for policy making) will be consulted on the draft Policy as part of the consultation process.

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 are 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. Notwithstanding this the Council has previously passed a "No Casino Resolution" which runs for the same period as the Statement of Gambling Policy and which needs to be reconsidered alongside each new Statement of Policy. The resolution does not however effect the six premises which were licensed as casinos before the Gambling Act came into force and which continue to operate under "grandfather rights". The draft Statement of Gambling Policy assumes that a "No Casino Resolution" will ultimately be passed by Council and Appendix 2 contains reference to the matters and principles to which the Council has previously had regard and could have regard to once again in determining whether to "renew" the resolution. Advice provided by Ann Barrett (Team Leader) on 16/07/2021.

Finance Advice:

The fees levied for the Gambling policy are intended to include any costs from the review of the Statement of Gambling Policy The costs of delivering the gambling regime itself is recovered from application fees that have been set within the statutory fee limits This decision is purely to start the consultation period and as a result, there is no impact on the medium term financial plan Advice provided by Claire Gavagan (Strategic Business Partner - Resident Services) on 19/07/2021.

Signatures

Neghat Khan (PH Neighbourhoods, Safety and Inclusion)

SIGNED and Dated: 26/07/2021

Andrew Errington (Director of Community Protection)

SIGNED and Dated: 26/07/2021