

**Licensing Committee
10 August 2021**

Title of paper:	Gambling Policy 2022-2025	
Director(s)/ Corporate Director(s):	Andrew Errington, Director of Community Protection	Wards affected: All
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Other colleagues who have provided input:	Ann Barrett, Team Leader – Legal Services ann.barrett@nottinghamcity.gov.uk 0115 8764411	
Date of consultation with Portfolio Holder(s) (if relevant)	Not applicable.	
Relevant Council Plan Key Theme:		
Strategic Regeneration and Development		<input checked="" type="checkbox"/>
Leisure and Culture		<input checked="" type="checkbox"/>
Summary of issues (including benefits to citizens/service users): This report brings the draft Statement of Gambling Policy 2022-25 to the Committee as part of the consultation process on that document. The draft has been approved for public consultation via a Delegated Decision and will be submitted to the full Council for final consideration and approval on 8 November 2021.		
Recommendation(s):		
1	That the Committee considers and notes the draft Gambling Policy and provides any comments that it wishes to make as part of the consultation process.	
2	That the Committee indicates whether it would be supportive of the 'No Casino Resolution' being renewed.	

1 Reasons for recommendations

- 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. A new policy is required to come into force for the three-year period commencing 31 January 2022. The preparation of the Statement of

Gambling Policy is not solely the function of the Executive. The Portfolio Holder for Neighbourhoods, Safety and Inclusion has authorised the release of the document for public consultation and for the Licensing Committee to be consulted on it.

2 Background (including outcomes of consultation)

2.1 Before adopting a Statement of Gambling Policy, the Licensing Authority must consult with:

- 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.

It is proposed that the Statement of Policy remain substantially in the same form as the one for the 2019-2022 period, with:

- the renewal of the Council's 'No Casino Resolution';
- a demographic update; and
- a legislative update and administrative amendments.

2.2 The Statement of Policy that is attached to this report will be distributed for consultation for a period of 6 weeks, following which the responses will be considered and reported to full Council alongside the proposed Statement of Policy in its final form.

2.3. Section 175 of the Act places a statutory limit on the number of new Casino Licences that 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 that could grant such licences, applicants would remain prohibited from making Casino applications to the 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, affect the six premises that were licensed as casinos before the Gambling Act came into force and that 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 to the Policy 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.

3 Other options considered in making recommendations

- 3.1 To do nothing: this option was rejected as the Committee is the body that carries out the majority of functions under the Gambling Act, and which would apply the Statement of Policy once adopted, so it is appropriate therefore for the Committee to be consulted on the Statement of Policy.

4 Finance colleague comments (including implications and value for money/VAT)

- 4.1 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 are 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 July 2021.

5 Legal and Procurement colleague comments (including risk management issues, and legal, Crime and Disorder Act and procurement implications)

- 5.1 As indicated in the body of the report, the making and approval of the Statement of Policy is a function reserved to the Executive and full Council. This Committee is, however, consulted on the Policy as the body that in effect implements it when determining contested applications. The Committee's views on the Statement of Policy will therefore be considered as part of the policy-making process and the Committee is also asked to indicate whether it would be supportive of the previous 'No Casino Resolution' being renewed, given the comments made in paragraph 2.3 above.

Advice provided by Ann Barrett (Team Leader – Legal Services) on 16 July 2021.

6 Strategic Assets and Property colleague comments (for decision relating to all property assets and associated infrastructure)

- 6.1 Not applicable.

7 Equality Impact Assessment (EIA)

- 7.1 An EIA is not required because the report does not contain any proposals for a new or changing policy, service or function.

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
<https://www.legislation.gov.uk/ukpga/2005/19/contents>
- 9.2 Guidance to Licensing Authorities, 5th Edition, September 2015 (further amended September 2016)
<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>