

City Council - 8 November 2021

Report of the Portfolio Holder for Neighbourhoods, Safety and Inclusion

Corporate Director/ Director:

Director of Community Protection

Report Author:

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Title: Review of Nottingham City Council Statement of Gambling Policy

Does the report form part of the Budget or Policy Framework?

Yes No

Does this report contain any information that is exempt from publication?

No

Relevant Council Plan Key Outcome:

Clean and Connected Communities	<input type="checkbox"/>
Keeping Nottingham Working	<input type="checkbox"/>
Carbon Neutral by 2028	<input type="checkbox"/>
Safer Nottingham	<input checked="" type="checkbox"/>
Child-Friendly Nottingham	<input type="checkbox"/>
Healthy and Inclusive	<input type="checkbox"/>
Keeping Nottingham Moving	<input type="checkbox"/>
Improve the City Centre	<input type="checkbox"/>
Better Housing	<input type="checkbox"/>
Financial Stability	<input type="checkbox"/>
Serving People Well	<input type="checkbox"/>

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 draft Statement of Gambling Policy 2022-2025 (the Statement) is attached at 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 Councillors the opportunity to renew the “No Casino” resolution should they wish to do so, which will otherwise cease to have effect in January 2022.

2. **Recommendations**

2.1 Having regard to the principles/matters identified in both the Introduction and Appendix 2 of the draft Policy, to resolve to renew Council’s previous “No Casino” resolution pursuant to S166 of the Act so, that with effect from 31 January 2022, no casino licences will be issued within the administrative area of the City of Nottingham.

2.2 To adopt the Statement of Gambling Policy in Appendix 1.

2.3 To authorise the Director of Community Protection 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**

3.1 It is a statutory requirement that the Council, as a Licensing Authority, adopt a new Statement of Licensing Policy relating to gambling to come into effect from 31 January 2022.

4. **Other options considered in making recommendations**

4.1 None. This is a statutory requirement.

5. **Consideration of Risk**

5.1 None. This is a statutory requirement.

6. **Background (including outcomes of Consultation)**

6.1 The Council is a Licensing Authority for the purpose of the Gambling Act 2005 (the Act).

6.2 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.

6.3 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.

6.4 A consultation draft Statement was approved by delegated decision on 26 July 2021 and was released for consultation between 2 August 2021 and 10 September 2021, inclusive.

6.5 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. Only one response was received to the Consultation on behalf of the Betting and Gaming Council which is attached at Appendix 2. This provides some useful background statistical information and makes comments on three areas of the draft Policy:

- Comments relating to the “promotion” of the licensing objectives – these comments are noted however the Gambling Commission’s Guidance to Licensing Authorities refers to the “promotion” of the objectives (paragraph 6.7). The Council is also under a duty to act in a way reasonably consistent with the objectives which equates to promoting (upholding, supporting) the objectives in general terms. No amendments to the Policy are therefore proposed in this regard.
- Paragraph 5.33 – Concern that the matters listed fall within most urban and suburban areas would be addressed in operators’ risk assessments and that the paragraph adds nothing. In response it is clear that these matters will only be considered where the law allows and given the sensitivities of the types of premises concerned and the objective to protect children from harm no amendments are proposed.
- In relation to the use of conditions – this point is accepted and a slight revision proposed to paragraph 8.23 to reflect this.

6.6 The Licensing Committee was also consulted on the draft Policy as the Committee responsible for applying the Policy on individual contested applications. The Committee supported the proposed “renewal” of the previous “No Casino” resolution. The Council has had such a resolution in place since Part 8 of the Gambling Act came into force in May 2007 and previously renewed the resolution in 2010-13, 2013-2016, 2016-2019, 2019-2022 policies. Due to the requirements of section 116 of the Act the existing resolution will lapse in January 2022 unless renewed by Council.

6.7 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.

6.8 The Licensing Committee also sought clarity regarding the impact of gambling on public health. Public health is not a licensing objective under the Gambling Act 2005 and is not therefore a matter to which regard should be had in adopting the Gambling Policy. The Council's role in regulating Gambling is in the main limited to the licensing of premises (save for some limited exceptions for certain permits) with the operators and businesses being regulated by the Gambling Commission in accordance with its own guidance and Codes of Practice.

7. Finance colleague comments (including implications and value for money)

7.1 The fees levied for the regime are intended to include the cost of the review of the Statement of Gambling Policy.

The cost of delivering the gambling regime itself is recovered from the application fees that have been set with the statutory fee limits.

Susan Turner - Senior Commercial Business Partner
21 October 2021

8. Legal colleague comments

8.1 Legal implications –

Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) 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 2022. Consultation on the draft policy appears to have taken place in accordance with statutory requirements.

As outlined in the main body of the report the Council's previous "No Casino" resolution will expire in January 2022 unless renewed and the matters to which Councillors could have regard are outlined in paragraphs 6.6 - 6.7 above and appendix 2 of the draft Policy.

Ann Barrett, Team Leader Legal Services
21 October 2021

9. Other relevant comments

9.1 None

10. Crime and Disorder Implications (If Applicable)

10.1 Not applicable

11. Social value considerations (If Applicable)

11.1 Not applicable

12. Regard to the NHS Constitution (If Applicable)

12.1 Not applicable

13. Equality Impact Assessment (EIA)

13.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because the proposal does not propose changes to the current City Council policy.

14. Data Protection Impact Assessment (DPIA)

14.1 Has the data protection impact of the proposals in this report been assessed?

No



A DPIA is not required because it is not applicable to the Statement of Gambling Policy.

15. Carbon Impact Assessment (CIA)

15.1 Has the carbon impact of the proposals in this report been assessed?

No



A CIA is not required because it is not applicable to the Statement of Gambling Policy

16. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)

16.1 None

17. Published documents referred to in this report

17.1 Gambling Act 2005

10.2 Guidance to Licensing Authorities, published 1 April 2021 updated 13 May 2021

Councillor Neghat Khan

Portfolio Holder for Neighbourhoods, Safety and Inclusion