

City Council – 8 July 2024

Report of the Chair of Licensing Committee

Corporate Director/ Director:

Corporate Director for Communities, Environment and Resident Services

Report Author and Contact Details:

Nick Burns, Licensing and Policy Manager

nick.burns@nottinghamcity.gov.uk

Title: Review of Statement of Gambling Policy

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

Yes No

Commissioner Consideration

Has this report been shared with the Commissioners' Office? Yes No

Any comments the Commissioners wish to provide are listed below.

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

No

Relevant Council Plan Key Outcome:

Green, Clean and Connected Communities	<input checked="" type="checkbox"/>
Keeping Nottingham Working	<input checked="" type="checkbox"/>
Carbon Neutral by 2028	<input type="checkbox"/>
Safer Nottingham	<input checked="" type="checkbox"/>
Child-Friendly Nottingham	<input checked="" type="checkbox"/>
Living Well in our Communities	<input checked="" type="checkbox"/>
Keeping Nottingham Moving	<input type="checkbox"/>
Improve the City Centre	<input checked="" type="checkbox"/>
Better Housing	<input type="checkbox"/>
Serving People Well	<input checked="" type="checkbox"/>

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 2025 and is required to go through a consultation process prior to its adoption. The proposed draft Statement is attached 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 an application for a 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.

2. Recommendations

- 2.1 Approve the attached Draft Statement of Gambling Policy 2025 - 2028 for release for consultation purposes.
- 2.2 Include the retention of the 'no casino' resolution as part of the public consultation. Licensing Committee is supportive of the renewal of the 'no casino' resolution.
- 2.3 In the event that Council no longer wishes to retain the 'no casino' resolution that the Licensing and Policy Manager be authorised to amend the draft Policy accordingly before it is released for consultation.

3. Reasons for recommendations

- 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 2025.
- 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 November 2024.

4. Other options considered in making recommendations

- 4.1 None this is a statutory requirement.

5. Consideration of Risk

- 5.1 It is a statutory requirement of the Authority to publish a Statement of Gambling Policy.

6. Best Value Considerations

- 6.1 None, as it is a statutory requirement to produce a Statement of Licensing Policy, however the policy sets out clear expectations to lead to a more effective and efficient licensing process.

7. Background (including outcomes of consultation)

- 7.1 The Council is a 'Licensing Authority' for the purpose of the Act.
- 7.2 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.
- 7.3 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.

It is proposed that consultation should last for 8 weeks and take place in accordance with the guidance produced by the Cabinet Office, commencing on Friday 12 July and concluding at midnight on Friday 6 September.

- 7.4 Councillors are 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, was reviewed and retained in 2010, 2013, 2016 and 2022 but due to section 166 of the Act this resolution will lapse in January 2025.
- 7.5 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.
- 7.6 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 members could have regard in considering such a resolution are outlined in Appendix 2 of the draft Statement of Policy.
- 7.7 The proposals for this consultation were noted by the Licensing Committee on 4 June 2024 as the said Committee is the main user of the proposed document. Licensing Committee was supportive of the renewal of the 'no casino' resolution.

8. **Commissioner comments**

- 8.1 Commissioners agree with the recommendations.

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

- 9.1 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 also recovered from the application fees that have been set within the statutory fee limits. Any additional costs that may need to be recognised as a part of this policy update will be met within the existing fee structure. A reserve for all premises licenses is maintained to retain over recovery of costs through fee income or to balance under recovery of costs.

Susan Turner - Senior Commercial Business Partner and Ian McLellan – Interim Strategic Finance Business Partner – 13/06/2024

10. **Legal colleague comments**

10.1 The draft Statement of Gambling Policy 2025-2028 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 2000 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 November 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.

Sarah Mills, Senior Solicitor, Legal Service - 7.6.24

11. **Equality Impact Assessment (EIA)**

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

Consideration of equality impacts is underway and an EIA will be included in the report to Council in November seeking approval of the Statement of Gambling Policy.

12. **Data Protection Impact Assessment (DPIA)**

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

A DPIA is not required because the policy does not contain sensitive information within the policy.

13. **Carbon Impact Assessment (CIA)**

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

A CIA is not required because the policy does not have a carbon impact.

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

14.1 None

15. **Published documents referred to in this report**

15.1 Gambling Act 2005

15.2 Guidance to Licensing Authorities April 2021 last updated April 2023

Councillor Audrey Dinnall
Chair of Licensing Committee