

City Council – 11 November 2024

Report of the Chair of the Licensing Committee

Corporate Director/ Director:

Corporate Director for Communities, Environment and Resident Services

Report Author and Contact Details:

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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

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 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 2025-2028 (the Statement) is attached at Appendix 1.
- 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 Gambling Act 2005 (the Act) and approved guidance issued by the Gambling Commission under the Act.
- 1.3 The report also gives Council the opportunity to renew the "No Casino" resolution should it wish to do so and which will otherwise cease to have effect in January 2025.

2. Recommendations

- 2.1 Having regard to the principles/matters identified in both the Introduction and Appendix 2 of the draft Policy, resolve to renew Council's previous "No Casino" resolution pursuant to S166 of the Act so, that with effect from 31 January 2025, no casino licences will be issued within the administrative area of the City of Nottingham.
- 2.2 To adopt the Statement of Gambling Policy as set out at Appendix 1.
- 2.3 To authorise the Director of Communities, Environment and Resident Services 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 Gambling Policy relating to gambling to come into effect from 31 January 2025.

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 Gambling Act 2005 (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.

7.4 A consultation draft Statement was approved by Full Council on 8 July 2024 and was released for consultation between 12 July 2024 and 6 September 2024, inclusive.

7.5 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. Four responses were received and a summary of them is attached at Appendix 3, including the officer assessment and any amendment subsequently made to the Policy as a result.

7.6 The Licensing Committee was also consulted on the draft Policy on 4 June 2024 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, 2022-2025 policies. Due to the requirements of section 116 of the Act the existing resolution will lapse in January 2025 unless renewed by Council.

7.7 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.

8. **Commissioner comments**

8.1 Commissioners have noted the report and approved.

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.

9.2 The cost of delivering the gambling regime itself is expected to be recovered from the application fees that have been set within the statutory fee limits.

Susan Turner - Senior Commercial Business Partner

10. Legal colleague comments

10.1 It is a statutory requirement that a Statement of Gambling Policy be approved by Full Council to take effect from 31 January 2025. 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 2025 unless renewed and the matters to which Councillors could have regard are outlined in paragraphs 7.6 - 7.7 above and appendix 2 of the draft Policy.

Sarah Mills Senior Solicitor, Legal Services

11. Equality Impact Assessment (EIA)

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

Yes

The equality impact assessment is attached as Appendix 4.

12. Data Protection Impact Assessment (DPIA)

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

No

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?

No

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**