

CITY COUNCIL 9 November 2015

REPORT OF THE CHAIR OF THE LICENSING COMMITTEE

REVIEW OF NOTTINGHAM CITY COUNCIL STATEMENT OF GAMBLING POLICY

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 2016-2019 (the Statement) has been circulated separately to Councillors. (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 and which will otherwise cease to have effect in January 2016.

2 RECOMMENDATIONS

- 2.1 To renew its previous "No Casino" resolution pursuant to S166 of the Act so, that with effect from 31 January 2016, 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 Corporate Director of Community 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 Licensing Authority, adopt a new Statement of Policy relating to gambling to come into effect from 31 January 2016.

4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 4.1 None – this is a statutory requirement.

5 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 5.1 The Council is a "Licensing Authority" for the purpose of the Act.

- 5.2 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.
- 5.3 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.

A consultation draft Statement was approved by Council at its meeting on 13 July 2015, which was released for comment between 3 August 2015 and 27 September 2015, inclusive. 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. Notice of the consultation was also listed in the press. Despite this, only four responses were received, details of which are at Appendix 2 with comments in response at Appendix 3. Where appropriate changes have been made to the Policy to take into account the consultation responses.

- 5.4 At its meeting on 13 July 2015 Councillors were also of the mind that it was necessary and appropriate to “renew” the previous “No Casino” resolution and this was, therefore, included in the consultation. 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 both the 2010-13 and 2013-2016 policies. Due to the requirements of section 116 of the Act the existing resolution will lapse in January 2016.
- 5.5 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 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 FINANCE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY)

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

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

7 LEGAL AND PROCUREMENT COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

7.1 Legal Implications – The Statement of Gambling Policy 2016 -2019 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 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 2016.

7.2 The Statement of Gambling Policy has been prepared to enable fairness to all parties in relation to Equality and Diversity issues

8 EQUALITY IMPACT ASSESSMENT (EIA)

8.1 An EIA is not needed, as the report does not contain proposals or financial decisions.

9 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

9.1 None

10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

10.1 Gambling Act 2005

10.2 Guidance to Licensing Authorities, 5th Edition, September 2015

**COUNCILLOR BRIAN GROCOCK
CHAIR OF LICENSING COMMITTEE**