

**REVIEW OF STATEMENT OF GAMBLING POLICY**

**1.0 Purpose of Report**

- 1.1 To seek the Council's approval of the Statement of Gambling Policy 2019 – 2021 which the Council is required to adopt under the Gambling Act 2005 and to consider the making of a 'no casino' resolution under section 166 of the Gambling Act 2015.

**2.0 Background Information**

- 2.1 The Council, as Licensing Authority under the Gambling Act 2005, is responsible for issuing premises licences for gambling premises, issuing permits in respect of gaming on licensed premises and for registering small society lotteries.
- 2.2 The Council only licences premises on which gambling is carried out, it does not licence the operators or the individuals concerned in carrying the business. These are licensed by the Gambling Commission and subject to stringent statutory controls.
- 2.3 In respect of carrying out its duties the Council is required to adopt and have in place a Statement of Gambling Policy relating to those duties. The Policy sets out the principles which the Council will apply in considering and granting those licences and permits.
- 2.4 The Act requires that the Policy be reviewed as required and at least every three years. Therefore the policy requires review so that a new policy is in place for 2019.
- 2.5 The draft policy was prepared based on the Council's experience with the administration of the Gambling Act and changes in law and guidance since its inception.
- 2.6 In order to achieve a level of consistency across the County the Nottinghamshire Authorities have been working together on a joint format for the Statement. Members will appreciate that the Councils across the County are very different and therefore will require their Statements to reflect these differences, however, wherever possible, attempts have been made to apply consistent phraseology.
- 2.7 In June a draft copy of the proposed new policy was presented to the Licensing Committee and it was agreed that subject to some amendments suggested by members of the Committee, the draft should be released for consultation.

**3.0 Response to the Consultation**

- 3.1 A small number of responses were received to the consultation draft of the policy. The comments made in the responses were considered and the Licensing Committee and, where considered appropriate, changes to the document have been made.
- 3.2 A copy of the Statement of Gambling Policy 2019 - 21 is attached as an **Appendix** to the report.

## 4.0 Casinos

- 4.1 The Secretary of State has powers under Section 175(4) of the Gambling Act 2005 to determine the geographical distribution of casino premises licences. The Act sets out an overall limit nationally of no more than one regional casino, eight large casinos and eight small casinos. In 2005 Local Authorities with an interest in hosting a casino were asked to indicate their interest and to take part in a selection process. A local licensing authority will only be able to award a casino premises licence if one has been identified for its area.
- 4.2 In adopting its original Statement of Gambling Policy the Council considered a resolution under section 166 of the Gambling that it would not issue any premises licence for casinos in the district. This had the effect of removing Newark and Sherwood from entering the selection process and therefore it would not be considered as a local authority that could host a casino. This resolution has been subsequently confirmed at each three yearly review of the Gambling Policy.
- 4.3 Due to the fact that only a small number of the casinos agreed have been developed there is considerable lobbying taking place within the casino trade for the introduction of the option of transferring the casino locations previously confirmed between two agreeable local authorities. This is not allowed under the current law and there are no indications from government that they will make this change.
- 4.4 The no casino resolution on the Gambling Act 2005 was agreed and confirmed for a further three years following the review of the Statement of Gambling Policy in 2015. The resolution only lasts for three years and thus will need consideration again this year.
- 4.5 The draft Statement of Gambling Policy has within it at paragraph 5.18 the wording that reflects the Councils current position with regard to the no casino resolution. If Council is minded to not make such a resolution the suggested wording for alternative paragraphs are set out below.

*The Authority has not passed a 'no casino' resolution under Section 166 of the Act, but it is aware that it has the power to do so. Should the Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.*

*The authority has due regard to any Guidance and Regulations about the particular issues that licensing authorities should take into account in relation to the suitability and layout of casino premises and any conditions that may be mandatory, set by default or recommended.*

*When considering the number, nature and circumstances of betting machines an operator wants to offer, the authority will follow the Guidance and take into account the size of the premises, the number of counter positions available for person-to-person transactions and the ability of staff to monitor the use of betting machines by children or other vulnerable people.*

*As with all deliberations in premises licences, the authority shall not confuse planning and building regulation considerations with the matter before it and the considerations of all aspects of an application shall be dealt with by their own individual regulatory regime.*

- 4.6 The passing of a 'no casino' resolution can be seen as a statement of principle that casino operations are not considered appropriate for the district.
- 4.7 Not making a 'no casino' resolution can be seen to indicate that the authority is willing to consider casino operations in the district, however, on a practical level this is unlikely as all future casino operations have been allocated to other districts and a change in the law would be required to permit any additional casino numbers or the transfer of locations.
- 4.8 The Gambling Commission's guidance to Licensing Authorities on the exercise of their functions under the Gambling Act 2005 makes the following points about making a 'no' casino resolution:
- The decision to pass such a resolution may only be taken by the Authority as a whole and cannot be delegated to the licensing committee. In passing such a resolution the Authority may take into account any principle or matter, not just the licensing objectives;
  - The resolution must apply to casino premises generally, so that the Authority cannot limit its effect to geographic areas or categories of casinos;
  - The resolution must specify the date it comes into effect;
  - The Authority may revoke the resolution at any time by passing a counter-resolution

## **5.0 Consolation Response – 'No Casino' resolution**

5.1 A single response on the 'no casino' resolution was received, this being from Newark Town. The Town Council support the 'no casino' resolution.

## **6.0 RECOMMENDATIONS that:**

- (a) the draft Statement of Gambling Policy 2019 - 2021 be approved; and**
- (b) the Council consider whether or not they wish to pass a resolution under Section 166 of the Gambling Act 2005 not to issue any premises licence for casinos in the district.**

### Background Papers

Guidance to Licensing Authorities – Gambling Commission

For further information please contact Alan Batty on 01636 655467

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