

SLOUGH BOROUGH COUNCIL

REPORT TO: Licensing Committee **DATE:** 22nd July 2015

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WARD(S): All

PART I **FOR DECISION**

GAMBLING ACT 2005: REVIEW OF 'NO CASINO POLICY' AND 'STATEMENT OF LICENSING PRINCIPLES'

1. Purpose of Report

To instigate the 3 yearly reviews of the Council's 'No Casino Policy' and the Gambling Act 2005 'Statement of Licensing Principles'.

2. Recommendation/Proposed Action

The Committee is requested to recommend the consultation exercises for the 'No Casino Policy' and the Gambling Act 2005 'Statement of Licensing Principles' to begin.

3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan

As the report outlines a 3 yearly review and consultation of the 'No Casino Policy' needs to be conducted and consulted upon otherwise it will lapse. Once the review and consultation have been conducted it is a matter for the Licensing Committee to decide if the policy should remain as is or change.

The review and consultation on the Statement of Licensing Principles for the Gambling Act 2005 is a statutory requirement that ensures that the Licensing Authority can carry out their functions under the 2005 Act.

3a. Slough Joint Wellbeing Strategy Priorities –

The Licensing Authority is responsible for administering all functions under the 2005 Act. In developing a Statement of Licensing Principles the Licensing authority must ensure that the Licensing Objectives are promoted at all times and therefore contribute to the following wellbeing priorities:

Priorities:

- Health (gambling addition)
- Economy and Skills
- Safer Communities

Cross-Cutting themes:

The report highlights the need to review the 'No Casino Policy and in particular the statutory requirement to review the Statement of Licensing Principles. If both policies lapse the Licensing Authority would not be able to carry out its functions under the Act or regulate and control those individuals or organisations carry on gambling activities.

Therefore the reviews contribute to the cross cutting theme of **Improving the image of the town.**

3b. Five Year Plan Outcomes

The report outlines the requirement to conduct the review of both policies under the 2005 Act. In doing so this contributes toward the Five Year Plan with the specific outcome of:

- All people who live and work in Slough feel safe.

4. Other Implications

(a) Financial

There are no financial implications of the proposed action.

(b) Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
For the report to be noted	The Council will not be able to properly control gambling premises without the policies being fully reviewed.	The reviews and consultation are a 3 yearly statutory requirement.

(c) Human Rights Act and Other Legal Implications

There are no direct Human Rights Act or other implications.

(d) Equalities Impact Assessment

An Equalities Impact Assessment has been completed and the conclusions are that there are no adverse or negative impacts on equality for one group or any other. The Equality Impact Assessment will be reviewed following the formal consultations.

5. Supporting Information

5.1 A major reform of gambling laws was introduced by way of the Gambling Act 2005. Amongst a range of other The Act introduced 3 new types of casino that could operate. The number of each type of casino was set by central government. The Act allowed the establishment of more casinos than were allowed under the previous legislation (Gaming Act 1968) with the introduction of eight large and eight small casino's in 'permitted areas'. There was also a proposal for a super casino however the Government subsequently decided not to proceed with this.

- 5.2 Section 166 of the Gambling Act 2005 provides that a licensing authority may resolve not to issue a Casino Premises Licence. The decision must 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 principles or matter, and not just the licensing objectives. Where a resolution is passed it must be published by the authority in its three year Statement of Policy and Principles.
- 5.3 The resolution must apply to casino premises generally. The authority cannot limit its effect to geographical areas or categories of casinos. The resolution must specify the date it comes into effect. The authority may revoke the resolution by passing a counter-resolution. The resolution will however lapse after 3 years, when if they wish to do so, the authority would be required to pass another resolution to keep the policy in place.
- 5.4 A resolution, if passé, would mean that no application for a Casino Premises Licence would be considered. Any application received would be returned with a notification that a “No-Casino” resolution was in place.
- 5.5 The Council adopted a “No Casino” policy in July 2006. The policy has to be reviewed after 3 years. The policy was fully reviewed in 2012 and is now due for further consultation and review otherwise it will lapse.
- 5.2 The Council was required by the Act to adopt a gambling policy, called a “Statement of Principles” and the policy was adopted by the Council in December 2006. The 2005 Act requires that the policy is reviewed every three years. The last policy was in 2012 and therefore a further consultation and review needs to take place to ensure a new adoption is made by December 2015.
- 5.3 The Licensing Team have commenced planning the consultations on the two policies. The consultations will include the public and businesses. Members of the Licensing Committee will be kept closely informed and involved in the consultation process and updated reports will put before the Committee in due course.
- 5.4 With regards to the ‘Statement of Principles, the recently published Gambling Commission Guidance to Local Authorities highlights that, for the first time, authorities are going to develop local area profiles, identifying, quantifying and mapping the vulnerabilities and other relevant features of their areas. Such profiles will then be used to inform the new generation of gambling policies, against which all applications will have to be judged.
- 5.5 This radical new approach represents a major opportunity for local authorities to contain the number and distribution of gambling premises and to enforce high standards of operation which respect the sensitivities of their locality. However policies will be under close scrutiny and potential challenge.
- 5.6 Once the consultation exercise has been completed a report will be brought back to Committee for consideration.
- 5.7 Following consultation the policy must be approved by Full Council by 31st January 2016.

6. Conclusion

The consultations will assist the Committee in deciding on the reviewed policies to be recommended to Full Council for adoption.

8. Background Papers

The current Gambling Act 2005 Slough Statement of Principles (2012).

'No Casino Policy' (2012)

Gambling Commission Guidance to Local Authorities (May 2015)