

# Licensing Acts Committee



Report of Head of Housing and Environment

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To: Licensing Acts Committee

DATE: 21 October 2021

## Review of Joint Gambling Policy

### Recommendation(s)

- (a) The committee is recommended to consider the outcome of the consultation and recommend Cabinet to recommend Council to:
- i) adopt the proposed Joint Gambling Policy
  - ii) authorise the Head of Housing and Environment to make minor editorial changes to the Joint Gambling Policy.
  - iii) authorise the Head of Housing and Environment to publish the Joint Gambling Policy in accordance with the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006.
- (b) The committee is asked to consider whether to recommend Council adopt a 'no casino' resolution under section 166 (1) of the Gambling Act 2005, meaning that any application for a casino would not be considered.

### Purpose of Report

1. To consider the Joint Gambling Policy following the statutory consultation.

### Strategic Objectives

2. The relevant strategic objectives are 'Working in an open and inclusive way' and 'Building Healthy Communities'. The policy will also ensure the council is meeting its statutory responsibilities.

## Background

3. The council's current Joint Statement of Gambling Policy came into effect from 31 January 2019. The policy is subject to statutory review every three years so is due for review by 31 January 2022.

## Proposed policy

4. The proposed new policy is attached at **Appendix A**.
5. A summary of changes that were made prior to the consultation, and an explanation of the reasons for the changes, can be found at **Appendix B**.

## Consultation results

6. The consultation ran from 13 July 2021 to 10 August 2021. It was a public consultation, and in addition was sent to:
  - All the responsible authorities as defined in the Gambling Act 2005
  - All councillors
  - Town and Parish Councils
  - Licence holders
  - Trade bodies, associations and representatives
  - Gamcare, Gamble Aware and Gamblers Anonymous (UK)
  - Trading Standards
  - Public Health
  - Community organisations such as the Samaritans, Citizens Advice, and the Wantage Independent Advice Centre
7. A report on the results of the consultation can be found at **Appendix C**. There were five responses to the consultation, and where applicable the report details how the comments and suggested amendments have been incorporated into the proposed new policy.
8. There is no reason, from the consultation responses, not to recommend the adoption of the Joint Statement of Gambling Policy to take effect from 31 January 2022. The policy will next be due for review by 31 January 2025.

## Gambling policy adoption process

9. It is the role of the Cabinet to recommend to Council to adopt the gambling policy. This committee is asked to recommend to Cabinet to recommend to Council to adopt the policy and authorise the Head of Housing and Environment to make minor editorial changes and to publish the policy as required by the regulations.

## **'No casino' resolution**

10. As part of its statement of gambling policy, licensing authorities are entitled to pass a 'no casino resolution' or to state that it would welcome a casino if the opportunity to bid for a premises licence were to become available.
11. It is the role of this Committee to recommend to Council whether there should be a 'no casino' resolution. If introduced, this would mean that the council could not consider any applications for casino premises licences.
12. Any application to open a casino would first require an amendment of The Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 by the Secretary of State. At present there are 53 licensing authorities that were designated in 1969 as 'permitted areas' entitled to have a casino (including Reading). In addition, 15 licensing authority areas were selected following open competition to issue new large and small casino premises licences under the Gambling Act 2005.
13. The council currently has a 'no casino' resolution which was first adopted in 2006 on the basis of the rural nature of the district with market towns being an inappropriate location for a casino, that casinos are better located in large towns or cities and the council should also protect the most vulnerable people from gambling in casinos.
14. If the Committee recommend the retention of the 'no casino' clause then it must recommend the adoption of such a resolution under Section 166 (1) of the Gambling Act 2005 by Council. If the Committee chooses not to recommend this, the policy wording in paragraph 6.26 of the draft policy will be updated to reflect this decision prior to the document being referred to Council.

## **Implementation**

15. Once the Council has adopted a new gambling policy it must publish a notice of intention to adopt the new policy four weeks before the new policy comes into force.

## **Climate and ecological impact implications**

16. There are no anticipated climate and ecological implications arising from the adoption of the proposed policy.

## **Financial Implications**

17. There are no anticipated financial implications arising from the adoption of the proposed policy.

## **Legal Implications**

18. The policy has been drafted to reflect current legislative requirements and statutory guidance. The policy must be taken into consideration when making decisions in respect of matters relating to the Gambling Act 2005.

## **Risks**

19. Failure to properly consider the policy could result in the councils not complying with the legislation or statutory guidance. Having a clear policy helps to ensure that licensing decisions are fair, consistent and comply with the legislation.

## **Other Implications**

20. There are no other implications.

## **Conclusion**

21. The committee is recommended to consider the outcome of the consultation and recommend Cabinet to recommend Council to:

- (a) adopt the proposed Joint Gambling Policy
- (b) authorise the Head of Housing and Environment to make minor editorial changes to the Joint Gambling Policy.
- (c) authorise the Head of Housing and Environment to publish the Joint Gambling Policy in accordance with the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006.

22. The committee is also asked to consider whether to recommend Council retain the 'no casino' resolution under section 166 (1) of the Gambling Act 2005, meaning that any application for a casino would not be considered.

## **Background Papers**

- Appendix A – Proposed Joint Statement of Gambling Policy
- Appendix B – Summary of changes
- Appendix C – Report on results of consultation