

Full Council 1st December 2021

Report Title	Gambling Act 2005 Statement of Licensing Principles 2022 – 2025
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List of Appendices

Appendix A - Gambling Act 2005 Statement of Licensing Principles 2022 – 2025
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1. Purpose of Report

- 1.1 To seek approval for the Gambling Act 2005 Statement of Licensing Principles to be adopted by North Northamptonshire Council and to consider whether to make a 'no-casino' resolution under section 166 of the Gambling Act 2005.

2. Executive Summary

- 2.1 The Gambling Act 2005 requires that a licensing authority has a Statement of Licensing Principles.
- 2.2 This Statement is presented to meet that legal requirement and support the Authority's Gambling Act 2005 processes going forward. It will be in effect from 31 January 2022 – 30 January 2025.
- 2.3 The document can be subject to review during this period as necessary.
- 2.4 The Act also gives the Licensing Authority the option of making a 'no-casinos' resolution which, if made, will apply during the same dates as the Statement.

3. Recommendations

- 3.1 It is recommended that Full Council –
- (i) approve the adoption of the Statement of Licensing Principles; and
 - (ii) determine whether a 'no-casinos' resolution for the North Northamptonshire area is appropriate for inclusion in the Statement of Licensing Principles.

Reason for report – for the Authority to fulfil its statutory responsibilities.

4. Report Background

- 4.1 Each of the sovereign authorities had their own Statement of Licensing Principles which were due for review in January 2022. Due to the large timescales involved in a full review process, the unification of existing policies is considered to be the first stage and is felt to be appropriate at this point. It will be necessary in the next year to fully consider the new Authority area and gambling activities therein, to identify if there is any need for a wider review to be undertaken. This will ensure that the Statement continues to properly address the needs of the area.
- 4.2 The sovereign authority documents were all very similar as they were prepared as a county wide project.
- 4.3 The policy before the Council is therefore the amalgamation of those documents to produce a North Northamptonshire Council policy.
- 4.4 No substantive changes have been made to the contents of the sovereign documents in bringing them together to produce this North Northamptonshire Policy.
- 4.5 Before determining its policy, the licensing authority consulted with the following:
- the chief officer of police for the authority's area,
 - persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area, and
 - 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.
- 4.6 Because the Policy is in principle identical to those previously in place, consultation was limited to a 4-week period.
- 4.7 The consultation responses are attached together with the details of any actions relating to each one.
- 4.8 The Statement must be reviewed every three years so this Statement once adopted will be in effect from 31 January 2022 – 30 January 2025. The document can be subject to review during this period as necessary.
- 4.9 With regards to casinos, 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 can only award a casino premises licence if one has been identified for its area.
- 4.10 None of the sovereign authorities had a resolution with regards to casinos but none were in the selection process with the Government for sites for casino licences.

- 4.11 As a result, nationally casino sites have been identified for the available licences and none are in the North Northamptonshire area.
- 4.12 The Council's resolution relating to casinos under Section 166 of the Gambling Act 2005 must be included in the Statement of Licensing Principles and must be reviewed every three years.
- 4.13 The Council has two options, suggested below:
- a) 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.
 - b) The Authority has passed a "no-casino resolution" under Section 166 of the Gambling Act 2005. This means that it has taken the decision not to issue any casino premises licences in the district of North Northamptonshire. This resolution shall take effect from January 2022 and shall remain in force for a period of three years from that date unless a resolution is passed before that date revoking the "no-casino resolution".
- 4.14 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.
- 4.15 By deciding not to make a 'no-casino' resolution, it can be seen to indicate that the authority is willing to consider casino operations in the district in the future. 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.
- 4.16 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 consider 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. Issues and Choices

- 5.1 Section 349 of the Gambling Act 2005 requires that a licensing authority shall before each successive period of three years prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period and publish the statement.
- 5.2 That Statement must be adopted by Council.
- 5.3 The Authority may choose to have a “no-casino” resolution under Section 166 of the Gambling Act 2005. If made, this resolution must be included within the Statement of Principles above.
- 5.4 The draft Policy was presented to the Licensing and Appeals Committee on 22 November 2021 for discussion and comment. The Committee were asked to consider whether to recommend that the Policy is adopted for North Northamptonshire Council. The Committee were also asked to consider whether to recommend that a ‘no-casino’ resolution is made. Given the timing of the Committee meeting, a verbal update will be provided on their recommendations.

6. Implications (including financial implications)

6.1 Resources and Financial

- 6.1.1 There are no resource or financial implications in relation to this report

6.2 Legal

- 6.2.1 Section 349 of the Gambling Act 2005 requires that a licensing authority shall before each successive period of three years prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period and publish the statement.
- 6.2.2 Section 166 of the Gambling Act 2005 allows an Authority to make a no-casinos resolution. Should it do so then that must be included within the Statement of Licensing Principles and will expire at the end of three years unless renewed.

6.3 Risk

- 6.3.1 There are no significant risks arising from the proposed recommendations in this report.
- 6.3.2 There is a risk of decisions made under the Gambling Act 2005 by the Authority being subject to challenge through the Courts if no Statement of Licensing Principles is in place.

6.4 Consultation

- 6.4.1 The consultation process has been carried out in accordance with the requirements of the Gambling Act 2005 and associated guidance.

6.5 **Consideration by Scrutiny**

6.5.1 Not considered

6.6 **Climate Impact**

6.6.1 No climate impact.

6.7 **Community Impact**

6.7.1 The overall conclusion of the Equality Impact Assessment is that there is no negative impact on any characteristic or group as a result of this Policy.

6.7.2 The three licensing objectives in the Gambling Act 2005 which guide the way that licensing authorities perform their functions and the way that gambling businesses carry on their activities, are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
- ensuring that gambling is conducted in a fair and open way
- protecting children and other vulnerable persons from being harmed or exploited by gambling

6.7.3 Licensing authorities have a duty to pursue the licensing objectives, and gambling businesses are expected to deliver them.

6.7.4 The statement of licensing policy is a very important part of the architecture of local gambling regulation, and it is expected that licensing authorities will use it to set out the local issues, priorities and risks that inform and underpin its approach to local regulation.

6.7.5 It provides the opportunity for licensing authorities to agree and set out how gambling is to be managed in different parts of the local authority area to deal with local concerns and issues. It provides clarity of expectation for licensees and prospective licensees about how their businesses are likely to be treated in different localities. The existence of a clear and agreed policy statement will provide greater scope for licensing authorities to work in partnership with local businesses, communities, and responsible authorities to identify and mitigate local risks to the licensing objectives.

6.7.6 The policy statement is the primary vehicle for setting out the licensing authority's approach to regulation having considered local circumstances. It ensures that operators have sufficient awareness and understanding of the relevant licensing authority's requirements and approach, including its view on local risks, to help them comply with local gambling regulation

7. **Background Papers**

None