

RESOLUTION NOT TO ISSUE CASINO LICENCES UNDER THE GAMBLING ACT 2005**Key Decision LHR L91****COUNCIL MEETING DATE****25 November 2015****CLASSIFICATION:****Open****If exempt, the reason will be listed in the main body of this report.****WARD(S) AFFECTED****All Wards****CORPORATE DIRECTOR****Gifty Edila, Corporate Director of Legal HR and Regulatory Services**

1. INTRODUCTION

- 1.1 This report provides the Council with relevant information on the Gambling Act 2005 (“the Act”) and the proposed resolution not to issue casino licences under the Act for a further period not exceeding three years.
- 1.2 On 25 March 2015, the Licensing Committee considered the existing policy and decided to recommend to Full Council to adopt the existing Policy for a further three years.

2. RECOMMENDATION

2.1 That the Council resolves:

- (i) not to issue casino licences under the Gambling Act 2005 for a further period not exceeding three years effective from 31 January 2016.**

3. BACKGROUND

- 3.1 Section 349 of the Act states that each Licensing Authority must prepare and publish a statement of principles (“the Policy”) that it proposes to apply in exercising its functions under the Act during the three year period to which the policy applies. The Policy must be kept under review during the period and be republished where it is revised. The Policy must be in place before the Authority can determine any application.
- 3.2 The Policy sets out the basis of decisions made by the Authority regarding gambling premises and in issuing a range of permits to authorise other gambling facilities in the area. For example:
- Adult gaming centre premises licences
 - Betting premises licences
 - Bingo premises licences
 - Casino premises licences
 - Family entertainment centre premises licences
 - Gaming Machine Permits
 - Temporary Use Notices
- 3.3 The Policy must take account of the Gambling Commission Guidance, and be subject to statutory consultation with prescribed stakeholders including the holders of licences and the police, as well as other stakeholders including representatives of gambling businesses, local residents, social services and child protection.

- 3.4 Section 166(1) of the Act states that a Licensing Authority may resolve not to issue Casino Premises Licences. Section 166(3)(d) of the Act states that a resolution made under Section 166(1) shall lapse at the end of the period of three years beginning with the date on which it takes effect (without prejudice to the ability to pass a new resolution).
- 3.5 Also, a resolution under s166 (1):-
- must apply to the issue of casino premises licences generally;
 - must specify the date on which it takes effect; and
 - may be revoked by a further resolution.
- 3.6 The passing of such a resolution must be published by being included in the Council's Policy.
- 3.7 The Council first passed a 'no-casino' resolution on 28 June 2006. This resolution came into effect on 31 January 2007. On 24 June 2009 the Council reaffirmed this resolution which took effect on 31 January 2010. A third resolution passed on 21 November 2012 took effect on 31 January 2013 and will expire on 30 January 2016.
- 3.8 Although there is no right of appeal against this resolution, the Council reserves the right to review it and can, at any point, withdraw the resolution where appropriate.
- 3.9 On 25 March 2015 the Licensing Committee recommended that the resolution should remain for a further three years given the characteristics of the borough. There are currently no casinos operating within Hackney.
- 3.10 A number of factors have been considered including;
- demographics of the Borough
 - Hackney's community strategy
 - possible risks to children and vulnerable adults
 - possible links between deprivation and problem gambling
 - lack of local substantive research and debate on the issue
 - retaining local control and choice
 - the hospitality economy and cumulative impact
 - economy and regeneration
 - the gambling licensing objectives:
 - *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*

- 3.11 The 2010 Borough Profile states that Hackney continues to experience high levels of poverty and inequality. Hackney was the second most deprived local authority overall in England in the 2010 Index of Multiple Deprivation. Some 37% of children live in households dependent on benefits. The Borough also has some of the highest levels of mental illness in London.
- 3.12 The Borough's community strategy responds to these local factors; it aims to build a strong and successful borough where people choose to live, prosper and bring up families.
- 3.13 Hackney has gone through a period of much change in recent years as the Council builds policy to deliver on the Borough's priorities. Securing a casino has not been seen as a priority or relevant to meeting any of the Council's key objectives.
- 3.14 Hackney is an area of growing economic opportunity as a result of the increased focus on east London as an area of growth and development for London and the UK. However, this growth sits alongside significant deprivation. Some local people continue to face persistent inequalities and are disproportionately affected by child poverty, worklessness and welfare dependency.

4. COMMENTS OF THE CORPORATE DIRECTOR OF FINANCE AND RESOURCES

- 4.1 This report seeks the Council to resolve not to issue casino licences under the Gambling Act 2005 for a further period not exceeding three years effective from 31 January 2016.
- 4.2 There are currently no casinos in the Borough and therefore there will be no direct financial implications resulting from the resolution not to issue casino licences.

5. COMMENTS OF THE CORPORATE DIRECTOR OF LEGAL, HR AND REGULATORY SERVICES

- 5.1 Under section 166 of the Gambling Act 2005 (the Act) the Council is required to include in its gambling policy any resolution passed not to issue casino premises licences.
- 5.2 Section 166 of the Act also states that when considering whether to have a "no casino" resolution the Council may have regard to any principle or matter when making their decision.
- 5.3 Given the wide scope that licensing authorities have in determining whether to put in place a "no casino" resolution, the Council does have

the power to allow the resolution to remain in place for a further three year period.

- 5.4 The Council is not bound to pass a no casino resolution. If no such resolution is passed, the Gambling Policy which is prepared by the Licensing Authority must state what criteria the Council will apply in determining any application that comes before it for a casino licence.
- 5.5 Without a “no casino” resolution in place, the Council must consider any application that may be made. Whereas the resolution, which can be reviewed at any time, allows any casino application which is received to be returned with a notification that a 'no-casino' resolution is in place. Should the borough wish to explore the option of having a casino in the future, the passing of a “no casino” resolution does allow Hackney to consider the option of having a casino on its own terms rather than being compelled into making a decision by virtue of having received an application.
- 5.6 Section 153 of the Act states that the resolution must be approved by Full Council and cannot be devolved in accordance with section 154 of the Act.

APPENDICES

None.

EXEMPT

Not applicable.

BACKGROUND PAPERS

None

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