

**RESOLUTION NOT TO ISSUE CASINO PREMISES LICENCES UNDER THE
GAMBLING ACT 2005**

COUNCIL

18 JULY 2018

CLASSIFICATION:

Open

**If exempt, the reason will be listed in the
main body of this report.**

WARD(S) AFFECTED

All Wards

GROUP DIRECTOR

KIM WRIGHT

1. Summary:

- 1.1 This report provides Full 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 November 2015, the Council made a further resolution not to issue casino premises licences given the characteristics of the Borough.
- 1.3 On 2 July 2018, the Licensing Committee made a recommendation for a further resolution not to issue casino premises licences under the Act for a further period not exceeding three years effective from 31 January 2019 given the characteristics of the Borough.

2. Recommendations:

2.1 Council is requested to:

Resolve not to issue casino premises licences under the Gambling Act 2005 for a further period not exceeding three years effective from 31 January 2019 given the characteristics of the Borough and following the recommendation of the Licensing Committee.

3. REASONS FOR DECISION

- 3.1 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).

4. BACKGROUND

- 4.1 Section 349 of the Act states that each Licensing Authority must prepare and publish a statement of principles (“the Statement”) that it proposes to apply in exercising its functions under the Act during the three year period to which it applies. The Statement must be kept under review during the period and be republished where it is revised. The Statement must be in place before the Authority can determine any application.
- 4.2 The Statement 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
- 4.3 The Statement 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.
- 4.4 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.
- 4.5 The passing of such a resolution must be published by being included in the Council's Statement.
- 4.6 The Council first passed a 'no-casino' resolution on 28 June 2006 and has continued to do so by making a new resolution every three years. The most recent resolution passed on 25 November 2015 took effect on 31 January 2016 and will expire on 30 January 2019.
- 4.7 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.

Policy Context

- 4.8 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*

- 4.9 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.
- 4.10 This growth sits alongside significant deprivation. Some local people continue to face persistent inequalities and are disproportionately affected by child poverty, unemployment and welfare dependency.
- 4.11 The Index of Multiple deprivation ranks each local authority area, ward and lower super output area in terms of seven 'domains'; health, education, income, employment, housing and access to services, living environment and crime, in order of deprivation. The domains are brought together in an overall Index of Multiple Deprivation (IMD). There are also indices measuring deprivation among children and older people.
- 4.12 Hackney was the eleventh most deprived local authority overall in England in the 2015 Index of Multiple Deprivation, in 2010 it was ranked second. In 2015, 17% of its Lower Super Output Areas were in the top ten percent most deprived, compared with 42% in 2010. This indicates that Hackney is becoming less deprived relative to other local authority areas in England.

Equality Impact Assessment

- 4.16 There are no equalities implications identified.

Sustainability

- 4.17 Any new resolution would last a maximum of three years. However, as stated above, the Council reserves the right to review it and can, at any point, withdraw the resolution where appropriate.

5. COMMENTS OF THE GROUP DIRECTOR, FINANCE AND CORPORATE RESOURCES

- 5.1 This report provides Full Council with relevant information to consider the proposed resolution not to issue casino licences for a further period not exceeding three years starting 31 January 2019.
- 5.2 There are currently no casinos in the Borough and therefore there will be no direct financial implications arising from the resolution not to issue casino licences.

6. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE

- 6.1 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.

- 6.2 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.
- 6.3 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.
- 6.4 The Council is not obliged to pass a no casino resolution. If no 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.
- 6.5 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 can be rescinded to 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.
- 6.6 Section 153 of the Act states that the resolution must be approved by Full Council and cannot be delegated in accordance with section 154 of the Act.

APPENDICES

None.

BACKGROUND PAPERS

None

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