

**RESOLUTION NOT TO ISSUE CASINO PREMISES LICENCES UNDER THE GAMBLING ACT 2005****COUNCIL****26 JANUARY 2022****CLASSIFICATION:****Open****WARD(S) AFFECTED:**

All Wards

**GROUP DIRECTOR:**

Ajman Ali, Group Director for Neighbourhoods and Housing

**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 The Council has previously made resolutions not to issue casino premises licences given the characteristics of the Borough. A resolution can last no longer than three years.
- 1.3 The Licensing Committee decided on 7 June 2021 to recommend to Full Council that it should resolve not to issue casino licences in the Borough.

**2. RECOMMENDATION**

- 2.1 Full Council is recommended not to issue casino premises licences under the Gambling Act 2005 for a period not exceeding three years, effective from 31 January 2022, 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 A resolution not to issue casino licences made 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.
- 4.2 The passing of such a resolution must be published by being included in the Council's Statement.
- 4.3 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.
- 4.4 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**

- 4.5 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
  - Gambling licensing objectives:
    - o *Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.*
    - o *Ensuring that gambling is conducted in a fair and open way*
    - o *Protecting children and other vulnerable persons from being harmed or exploited by gambling*
- 4.6 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.
- 4.7 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.
- 4.8 The Index of Multiple Deprivation (IMD) 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 IMD. There are also indices measuring deprivation among children and older people.

## **5 EQUALITY IMPACT ASSESSMENT**

5.1 There are no equalities implications identified.

## **6. SUSTAINABILITY**

6.1 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.

## **7 COMMENTS OF THE GROUP DIRECTOR, FINANCE AND CORPORATE RESOURCES**

7.1 This report provides the 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 2022.

7.2 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.

## **8. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE SERVICES**

8.1 Under section 166 of the Gambling Act 2005 (“the Act”) the Council is required to include in its Gambling Statement of Principles (“the Statement”) any resolution passed not to issue casino premises licences.

8.2 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.

8.3 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.

8.4 The Council is not obliged to pass a “no casino” resolution. If no resolution is passed, the Statement 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.

8.5 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.

- 8.6 Under section 153 of the Act the Council shall have regard to the statement set out in the Statement in accordance with section 349 of the Act and subject to section 166 of the Act that gives the Council the power to pass this resolution under paragraph 2.1 of this report to resolve not to issue casino licences in the borough.
- 8.7 Paragraph 3.3.7(8) of Part 3 of the Constitution provides that Full Council may exercise the function to approve such policies that form part of the Gambling policy framework.

## APPENDICES

None.

## BACKGROUND PAPERS

Not applicable.

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