

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

Key Decision No. NH S036

CABINET MEETING DATE (2021/22) 29 NOVEMBER 2021	CLASSIFICATION: OPEN If exempt, the reason will be listed in the main body of this report.
WARD(S) AFFECTED All Wards	
CABINET MEMBER Councillor Susan Fajana-Thomas	
KEY DECISION Yes REASON: Affects more than two Wards	
GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING AJMAN ALI	

1. CABINET MEMBERS INTRODUCTION

- 1.1 This report provides the Cabinet 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 resolve not to issue casino licences in the borough and has recommended this to Full Council.
- 1.4 I commend this report to the Cabinet

2. GROUP DIRECTOR'S INTRODUCTION

- 2.1 There are currently no casinos operating within the borough. The Licensing Committee has made a further recommendation for the Council to make a new resolution not to issue casino licences for a further three years given the characteristics of the Borough.
- 2.2 Where a resolution is in place, any casino application received will be returned with a notification that a 'no-casino' resolution is in place. There is no right of appeal against this resolution.

3. RECOMMENDATION

- 3.1 **That Cabinet resolves not to issue casino premises licences under the Gambling Act 2005 for a further period not exceeding three years effective from 31 January 2022 given the characteristics of the Borough and following the recommendation of the Licensing Committee.**

4. REASONS FOR DECISION

- 4.1 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).

5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 5.1 Any person wishing to make an application for a casino licence would normally have regard to the Gambling Commission Guidance, relevant Codes of Practice and the Council's Licensing Statement when preparing the application. However, the Licensing Committee recommended that a further 3 year resolution be made having regard to the characteristics of the borough. This would mean that any application for a casino licence would be returned upon receipt.

6. BACKGROUND

- 6.1 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.
- 6.2 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
- 6.3 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.
- 6.4 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.
- 6.5 The passing of such a resolution must be published by being included in the Council’s Statement.
- 6.6 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.
- 6.7 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

- 6.8 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*

6.9 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.

6.10 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.

6.11 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.

Equality Impact Assessment

6.16 An Equalities Impact Assessment has been completed. This has not identified any equality implications.

Sustainability

6.17 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.

Risk Assessment

6.18 No risks have been identified.

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 Policy 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 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.

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 the Council shall have regard to the statement set out in their Gambling Policy 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 Under section 154(2) of the Act confirms that functions of the Licensing Authority are delegated to the Licensing Committee and the Council and cannot be delegated. The Licensing Committee has recommended that Full Council resolve that casino licences shall not be issued in the borough.

8.8 Under paragraph 3.1.1(3) of Part 3 of the Constitution provides that Full Council may exercise the function to approve or adopt such policies that form part of the policy framework.

8.9 Under the Mayor's Scheme of delegation the Licensing Authority's Statement of Gambling Policy and matters relating to the Gambling Act 2005 shall be referred by the Mayor to Cabinet for approval.

APPENDICES

None.

BACKGROUND PAPERS

Not applicable.

Report Author	David Tuitt Business Regulation Team Leader - Licensing and Technical Support david.tuitt@hackney.gov.uk Tel:020 8356 4942
Comments of the Group Director of Finance and Corporate Resources	Avril Smith Service Accountant avril.smith@hackney.gov.uk Tel: 020 8356 3947
Comments of the Director of Legal and Governance Services	Amanda Nauth Licensing and Corporate Lawyer amanda.nauth@hackney.gov.uk Tel: 020 8356 6345