

**Report of the Director**

**Gambling Act 2005 Statement of Licensing Policy: 3-Yearly Review**

**1 Purpose of report**

For committee to agree to the consultation of the reviewed Gambling Act 2005 Statement of Licensing Policy (the Policy).

**2 Executive summary**

The Gambling Act requires the licensing authority, every three years to:-

- determine its policy in respect of the exercise of its licensing functions and
- publish a statement of that policy.

**3 Appendices**

- Appendix One - Draft Northamptonshire Statement of Licensing Principles
- Appendix Two - Proposed changes to the policy

**4 Proposed action: The committee is invited to;**

- 4.1 RESOLVE to approve that the reviewed Gambling Act 2005 Statement of Licensing Policy as shown at Appendix 1, goes out to public consultation.**
- 4.2 RECOMMEND that the Council determines whether a 'No Casinos' resolution under Section 166 of the Gambling Act 2005 should be made.**

**5 Background**

5.1 Every 3 years, the Gambling Act 2005 requires Licensing Authorities to review and publish a statement of principles that they intend to apply when exercising their related functions.

5.2 The current policy was adopted in January 2016, so is due for renewal by January 2019.

5.3 The Gambling Act 2005 Act (2005 Act) has three objectives. They 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

5.2 Further details of the objectives of the 2005 Act and how its delivery is proposed

locally can be found in the policy included within Appendix One.

## **6 Discussion**

- 6.1 The policy was drafted by the Northamptonshire Licensing Liaison Group and reflects guidance produced by both the Gambling Commission and the Local Government Association on what should be included in such a document.
- 6.2 The new policy differs very little from the existing policy. Detail of the proposed changes is included at Appendix Two.
- 6.3 The changes will not have any impact on the licensing of premises in our district other than providing greater clarity in the policy.
- 6.4 It is proposed that a wide scale consultation exercise takes place for a 6-week period starting at week beginning 24 September 2018. The consultation process will lead to the development of a final draft which will be brought to a further committee meeting
- 6.5 The 2005 Act requires Licensing Authorities to determine a resolution regarding the provision of casinos. The resolution will form part of the Council's Gambling Act 2005 Statement of Licensing Policy.
- 6.6 Section 7(1) of the 2005 Act states that a casino is an arrangement whereby people are given an opportunity to participate in one or more casino games. Casino games are defined by the 2005 Act to mean a game of chance which is not equal chance gaming. Equal chance gaming is gaming which does not involve playing or staking against a bank, and where the chances are equally favourable to all participants.
- 6.7 In resolving the provision of new casinos, Local Licensing Authorities have the following options:
- Not adopting a 'No Casino' resolution
  - Adopting a 'No Casino' resolution: passed under Section 166(1) of the 2005 Act.. This resolution may only be taken by the authority as a whole and (in England and Wales) cannot be delegated to the licensing committee.
- 6.8 To date, the Council has not received any registration of interest for a casino premises licence and there are no existing casinos in the district. In passing a 'no casinos resolution' the authority may take into account any principle or matter, not just the licensing objectives. If the resolution is passed, it must be published in its licensing Policy together with the reasons for adopting it.
- 6.9 The authority may subsequently revoke the resolution by passing a counter-resolution. The committee is invited to recommend to council whether a 'no casino resolution' should be adopted

## **7 Legal powers**

- 7.1 Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act, every 3 years.

## **8 Financial and value for money implications**

The issuing of relevant licenses will continue to generate income revenue.

## **9 Risk analysis**

This table needs to be completed for any report setting out a proposed course of action that entails risks at the outset of the project or if the risks change along the way.

<b>Nature of risk</b>	<b>Consequences if realised</b>	<b>Likelihood of occurrence</b>	<b>Control measures</b>
That the Statement of Licensing Policy is not approved.	The Licensing Authority has no policies against which to determine licence applications and enforce the provisions of the Gambling Act 2005.	Low	To approve the policy statement.

## **10 Implications for resources**

- 10.1 No implications

## **11 Implications for stronger and safer communities**

- 11.1 The gambling objectives and the policy include requirements covering the prevention of gambling from being a source of crime or disorder, and the protection of children and other vulnerable persons from being harmed or exploited by gambling.

## **12 Implications for equalities**

- 12.1 No implications

**13 Author and contact officer**

Amanda Wilcox, Principal Environmental Health Manager

**14 Consultees**

SMT  
District Law

**15 Background papers**

None