

SLOUGH BOROUGH COUNCIL

REPORT TO: Licensing Committee **DATE:** 12th June 2018

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WARD(S): All

PART I **FOR DECISION**

GAMBLING ACT 2005: LAPSE OF NO CASINO POLICY, REVIEW OF STATUTORY 'STATEMENT OF GAMBLING PRINCIPLES' AND DEVELOPMENT OF A 'LOCAL AREA PROFILE'.

1. Purpose of Report

The Committee to consider:

- (i) that the 'No Casino Policy' is to lapse;
- (ii) instigation of the 3 yearly review of the Gambling Act 2005 'Statement of Gambling Principles;' and
- (iii) the development of a 'Local Area Profile' for inclusion in the revised policy document.

2. Recommendation(s)/Proposed Action

The Committee is requested to;

- (a) resolve that the 'No Casino Policy' should lapse, for the reasons detailed to the Licensing Committee in 2015 and as set out in this report.
- (b) note that the consultation exercise for the Gambling Act 2005 'Statement of Gambling Principles' will begin; and
- (c) agree the development of a 'Local Area Profile' for inclusion in the new policy document.

3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan

As detailed in the report, the Council previously adopted a 'No Casino Policy' in accordance with the provisions of the Gambling Act 2005.

In 2012/2013 Parliament considered proposals put forward the by 'South East England Council's Partnership', the 'National Casino Industry Forum' and others to increase the portability of existing casino licenses granted under grandfather rights as an existing licence granted prior to the implementation of the Gambling Act 2005. It has previously been confirmed that the proposals were considered by Parliament and a decision was made that there would be no relaxation in the portability of those existing licenses or any new licenses.

In addition the Government originally introduced eight new large casinos and eight new small casinos. As a result 16 local authorities applied to be selected to be able to grant the new licenses. Not all licenses have been applied for or granted and it has been confirmed that the Government would not be reviewing that position.

In light of the above Slough would never be able to accept or consider an application for a casino and therefore the intention is for the 'No Casino Policy' to lapse.

As the report outlines, a 3 yearly review and consultation on the Statement of Gambling Principles for the Gambling Act 2005 is a statutory requirement that ensures that the Licensing Authority can carry out its functions under the 2005 Act.

In 2016, the Gambling Commission introduced provisions in its Social Responsibility Code within the Licence Conditions and Codes of Practice, i.e. Code 10.1.1, which requires gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and to have policies, procedures and control measures in place to mitigate the risks. This provision came into force on 6th April 2016.

As suggested by the Gambling Commission, in its Guidance to Local Authorities, Slough Licensing Team is preparing a 'Local Area Profile'. This guidance document is being developed to assist gambling operators in undertaking and preparing their local (premises) risk assessment.

3a. **Slough Joint Wellbeing Strategy Priorities**

The Licensing Authority is responsible for administering all functions under the 2005 Act. In developing a Statement of Licensing Principles and the Local Area Profile the Licensing authority will ensure that the Licensing Objectives are promoted at all times and therefore contribute to the following wellbeing priorities:

Priorities: Protecting vulnerable children.

3b. **Five Year Plan Outcomes**

The report outlines the requirement to conduct the review under the 2005 Act and of the Gambling Commission guidance on developing Local Area Profiles. In doing so this contributes toward the Five Year Plan with the specific outcome of:

- Slough will be an attractive place where people choose to live work and stay.

4. **Other Implications**

(a) Financial

There are no financial implications of proposed action.

(b) Risk Management

Recommendation from section 2 above	Risks/Threats/ Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
<p>(a) For the Committee to approve that the 'No Casino Policy' should lapse, for the reasons detailed in this report.</p> <p>(b) Note that the consultation exercise for the Gambling Act 2005 'Statement of Gambling Principles' will begin, and</p> <p>(c) The development of a 'Local Area Profile' for inclusion in the new policy document.</p>	<p>As the Council would not now be in a position to accept or consider an application for a casino, the No Casino policy will not have any impact on an operator in Slough. The Council will not be able to properly control gambling premises without the Statement of Licensing Principles being fully reviewed. The development of a Local area profile will assist in gambling operators developing their own risk assessments.</p>	<p>Current policy is already in place.</p>	<p>4</p>	<p>The review and consultation are a 3 yearly statutory requirement.</p> <p>Development of a Local Area Profile is an option available to local authorities.</p>

(c) Human Rights Act and Other Legal Implications

1. Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest.

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

(d) Equalities Impact Assessment

A Equalities Impact Assessment has previously been completed and the conclusions are that there are no adverse or negative impacts on equality for one group or any other.

(e) Workforce

None

5. Supporting Information

5.1 No Casino Policy.

The Council previously adopted a 'No Casino Policy' in accordance with the provisions of the Gambling Act 2005, which was further adopted in 2012 and 2015.

5.2 As detailed to the Licensing Committee in 2015, in 2012/2013 Parliament considered proposals put forward the by 'South East England Council's Partnership', the National Casino Industry Forum and others to increase the portability of existing casino licenses granted under grandfather rights as an existing licence granted prior to the implementation of the Gambling Act 2005. In 2015 it was confirmed that the proposals were considered by Parliament and a decision was made that there would be no relaxation in the portability of those existing licenses or any new licenses.

5.3 In addition the Government originally introduced eight new large casinos and eight new small casinos. As a result 16 local authorities applied to be selected to be able to grant the new licenses. Not all licenses were applied for or granted and it was confirmed that the Government would not be reviewing that position. In light of the above Slough would never be able to accept or consider an application for a casino and therefore the intention the Committee is asked to resolve to that the No Casino Policy should lapse.

6. Statement of Gambling Principles

6.1 The Council was required by the 2005 Act to adopt a gambling policy, called A "Statement of Gambling Principles" and the policy was adopted by the Council in December 2006. The 2005 Act requires that the policy is reviewed every three years. The policy was reviewed 2009, 2012 and 2015 and therefore a further consultation and review needs to take place to ensure a new adoption is made by December 2018.

6.3 The Licensing Team have commenced planning the consultation on the policy. The consultation will include the public, businesses, statutory Responsible Authorities and licensed operators. Members of the Licensing Committee will be kept closely informed and involved in the consultation process an updated report will put before the Committee in due course.

7. Local Area Profile

7.1 With regards to the 'Statement of Gambling Principles, the published Gambling Commission Guidance (2016) to Local Authorities highlighted that, licensing authorities should consider developing local area profiles, identifying, quantifying and mapping the vulnerabilities and other relevant features of their areas. Such profiles will then be used to inform the new generation of gambling policies, against which all applications will have to be judged and completion by gambling operators of the statutory required under Code 10.1.1 of the Social Responsibility Codes to produce and have in place a 'Local Risk Assessment.'

- 7.2 This approach represents an opportunity for local authorities to contain the number and distribution of gambling premises and to enforce high standards of operation which respect the sensitivities and vulnerabilities of their locality.
- 7.3 The principle documents that will be used in developing the 'Local Area Profile' will be the Slough Joint Wellbeing Strategy and the Joint Strategic Needs Assessment (JSNA).
- 7.4 Once the consultation exercise has been completed on the revised Gambling policy document a report will be brought back to Committee on 18th October 2018 for formal approval.
- 7.5 In addition, once the 'Local Area Profile' has been developed this will be put before the Licensing Committee for information purposes only. It is important for the Committee to note that there is no statutory need for any consultation on or formal approval by the Licensing Committee of the 'Local Area Profile', as they are optional for the Licensing Authority to develop in order to be used by gambling operators when developing their own local risk assessments..
- 7.6 Once the revised gambling policy document has been approved by the Licensing Committee it must be approved by Full Council by 31st January 2019.

8. Comments of Other Committees

None.

9 Conclusion

That the Committee approves:

- (a) that the 'No Casino Policy' should lapse, for the reasons provided to the Licensing Committee in 2015 and as detailed in the report.
- (b) and notes that the consultation exercise for the Gambling Act 2005 'Statement of Gambling Principles' will begin, and
- (c) the development of a 'Local Area Profile' for inclusion in the new policy document.

10. Appendices Attached

None.

11. Background Papers

1. Gambling Act 2005.
2. Gambling Commissions Guidance to Local Authorities.
3. Gambling Commission Social responsibility Code within Licence Conditions and Code of Practice.