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COMMITTEE:	LICENSING AND REGULATORY COMMITTEE
DATE:	FRIDAY, 10 DECEMBER 2021 9.30 AM
VENUE:	FRINK ROOM (ELISABETH) - ENDEAVOUR HOUSE, RUSSELL ROAD, IPSWICH IP1 2BX

Members		
<u>Conservative</u> Sue Ayres Peter Beer Siân Dawson Mark Newman	<u>Independent</u> Trevor Cresswell Kathryn Grandon Margaret Maybury (Chair) John Nunn	<u>Liberal Democrat</u> Sue Carpendale (Vice-Chair) <u>Green</u> Jane Gould

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AGENDA

PART 1

MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT

Page(s)

- | | | |
|---|---|--------|
| 1 | APOLOGIES | |
| | To receive apologies for absence. | |
| 2 | DECLARATION OF INTERESTS | |
| | Members to declare any interests as appropriate in respect of items to be considered at this meeting. | |
| 3 | BLR/21/10 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 15 OCTOBER 2021 | 3 - 6 |
| 4 | TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME | |
| 5 | QUESTIONS BY COUNCILLORS | |
| 6 | BLR/21/11 GAMBLING ACT 2005: 'NO CASINO' RESOLUTION | 7 - 14 |
| | Report from the Licensing Team attached. | |

Date and Time of next meeting

Please note that the next meeting is scheduled for Friday, 11 February 2022 at 9.30 am.

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer, Committee Services on: 01473 296373 or Email: Committees@baberghmidsuffolk.gov.uk

Introduction to Public Meetings

Babergh/Mid Suffolk District Councils are committed to Open Government. The proceedings of this meeting are open to the public, apart from any confidential or exempt items which may have to be considered in the absence of the press and public.

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Agenda Item 3

BABERGH DISTRICT COUNCIL

Minutes of the meeting of the **LICENSING AND REGULATORY COMMITTEE** held in the King Edmund Chamber, Endeavour House, 8 Russell Road, Ipswich on Friday, 15 October 2021 at 2.00pm

PRESENT:

Councillor: Margaret Maybury (Chair)
Sue Carpendale (Vice-Chair)

Councillors: Sue Ayres Peter Beer
Siân Dawson (present for part of the meeting) Jane Gould

In attendance:

Officers: Nigel Dulieu – Legal Advisor
Kay Sanders – Licensing Officer
Katherine Green – Licensing Officer
Emma Richbell – Assistant Manager, Food, Safety and Licensing
Jo Wyatt – Assistant Manager, Food, Safety and Licensing
Karen Sayer – Governance Officer
Bethany Webb – Trainee Governance Officer

Apologies:

Councillors: Trevor Cresswell
Kathryn Grandon
Mark Newman
John Nunn

14 DECLARATION OF INTERESTS BY COUNCILLORS

14.1 There were no declarations of interest.

15 BLR/21/7 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 16 AUGUST 2021

It was RESOLVED:

That the Minutes of the meeting held on 16 August 2021 be confirmed and signed as a true record.

16 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

16.1 None received.

17 QUESTIONS BY COUNCILLORS

17.1 None received.

18 BLR/21/8 GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES STATUTORY THREE-YEARLY REVISION

18.1 Katherine Green, Licensing Officer presented Paper BLR/21/8 to the Committee, reporting back to the Committee the outcome of a full targeted and public consultation, which ran between 20 August 2021 and 16 September 2021.

18.2 Since January 2007 local licensing authorities have been responsible for functions under the Gambling Act 2005, including issuing of licences and permits for gambling/gaming premises and associated matters.

18.3 Section 349 of the 2005 Act, requires each licensing authority to prepare and publish a statement of the higher-level principles it will apply when dispensing its various gambling functions. The 'Statement of Principles' must by law be reviewed and republished every three years and sooner if so required. In 2021 the Authority revisited the statement which has been in effect since January 2019.

18.4 The report recommended approval of the revised principles statement, attached as Appendix A, for recommendation on to full Council so that it may be adopted for publication and ready to take effect from 31 January 2022.

18.5 The Licensing Officer responded to Members' questions including confirmation that there had been no applications for casinos in the District. Councillor Maybury added that casino licences are handed out by central Government and there is currently no allocation for casino licences in the District.

18.6 Councillor Peter Beer proposed that the recommendations contained in Paper BLR/21/8 be approved. Councillor Sue Carpendale seconded this proposal.

18.7 By a unanimous vote,

It was RESOLVED:

That the post-consultation draft 'Statement of Principles' in respect of Gambling Act 2005 functions, as attached at Appendix A, be approved.

It was RECOMMENDED TO COUNCIL:

That the 'Statement of Principles' document be adopted.

19 BLR/21/9 NEW HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING POLICY

- 19.1 Katherine Green, Licensing Officer presented Paper BLR/21/9 to the Committee, reporting back the outcome of a full targeted and public consultation, which ran between the 20 August 2021 and 16 September 2021, in respect of the Hackney Carriage and Private Hire Vehicle Licensing Policy for the controlled zone of Babergh District Council.
- 19.2 The Licensing Officer responded to Members' questions including: clarification of the changes in the document, the costs of replacing vehicles for disabled access vehicles, comments by the public on accessible vehicles, the frequency of the BTEC training courses, and when existing drivers would need to take the training course.
- 19.3 During the discussion, Members debated whether the Council could cover the costs or offer discounts to drivers taking the BTEC training course, and if the retraining period could be extended from 3 to 5 years.
- 19.4 Councillor Sue Carpendale proposed that the recommendations contained in Paper BLR/21/9 be approved. Councillor Sue Ayres seconded this proposal.
- 19.5 With 4 votes for and 1 against,

It was RESOLVED:

That the post consultation draft Hackney Carriage and Private Hire Vehicle Licensing Policy, attached as Appendix A, be approved.

It was RECOMMENDED TO CABINET:

That the Hackney Carriage and Private Hire Vehicle Licensing Policy document be adopted.

Councillor Sian Dawson joined the meeting at 2:37pm.

The business of the meeting was concluded at 2:58pm

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Chair

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Agenda Item 6

BABERGH DISTRICT COUNCIL

TO: Licensing & Regulatory Committee	REPORT NUMBER: BLR/21/11
FROM: Cllr Sian Dawson – Cabinet Member for Environment	DATE OF MEETING: 10 December 2021
OFFICER: Cassandra Clements – Assistant Director Environment & Commercial	KEY DECISION REF NO. N/A

GAMBLING ACT 2005: 'NO CASINO' RESOLUTION

1. PURPOSE OF REPORT

- 1.1 To ask that Licensing & Regulatory Committee note the evidence base research contained within this report in regard to a 'No Casino' resolution under section 166 of the Gambling Act 2005 ("The Act"); and
- 1.2 To ask that Licensing & Regulatory Committee make a recommendation to Council for a decision to be taken by Council on whether to adopt a 'No Casino' resolution.

2. OPTIONS CONSIDERED

- 2.1 All options to be considered are contained within the recommendations below.

3. RECOMMENDATION

- 3.1 That Licensing & Regulatory Committee in considering the evidence base, make a recommendation to Council to determine whether to adopt a 'No Casino' resolution.

REASON FOR DECISION

Council on 2 November 2021 determined that this report should be referred to the Licensing and Regulatory Committee to bring forward a recommendation in order for Council to make a final determination.

4. KEY INFORMATION

- 4.1 The decision to pass such a resolution may only be taken by the Council and cannot be delegated to the Licensing and Regulatory Committee.
- 4.2 The Gambling Act 2005 ('the Act') became effective in September 2007. Contained within the provisions of the Act, under section 174, there are three new types of casino; small, large and regional (the super casino) which is in addition to the numbers of casinos from the previous legislation. The Act under section 175 has set a limit of the numbers of these types of new casino; 8 Small, 8 Large and 1 Regional. This provision was available to all of England and Wales.

- 4.3 In 2006, 68 Local Authorities submitted bids for the allocation of the new types of casino under the Act (Babergh did not bid to have a casino within its district). 16 Local Authorities were granted the allocation of small and large types of casino in 2007, however the Regional (super casino) fell by the wayside and is unlikely to be resurrected having been initially awarded to Manchester City Council. The information on this is attached as **Appendix A**.
- 4.4 Under section 349 of the Act, a Local Authority is required to review and republish its statement every 3 years. The latest review requires the revised document to be adopted and published on or by 3 January 2022 to take effect from 31 January 2022. The 'Statement of Principles' will be applied alongside the legislation and guidance published by the Gambling Commission (which may be revised from time to time).
- 4.5 The decision to adopt the 'Statement of Principles' may only be taken by the Council and cannot be delegated to the Licensing and Regulatory Committee.

EVIDENCE FOR COMMITTEE TO CONSIDER

- 4.6 The Council has never before held a vote for a 'No Casino' resolution.
- 4.7 Babergh District Council Licensing Authority have received no applications for a casino from when the 2005 Act came into force to present day.
- 4.8 None of the surrounding District and Borough Councils that border Babergh District Council, other than Mid Suffolk District Council, have adopted a 'No Casino' resolution.
- 4.9 Research has preliminarily identified that there are currently 12 Local Authorities out of 333 Local Authorities that have adopted a no casino resolution.
- 4.10 If a 'No Casino' resolution is not adopted at this time this does not prevent the Council from choosing to adopt such a resolution in the future should the need arise.
- 4.11 The allocations granted in 2006 means that there is no possible provision for a new casino.
- 4.12 Further, as the full allocation for casinos under the Act has been granted, it would need a suitable economic climate and the political will of Government for the Secretary of State to lay legislation for a further allocation of casinos.
- 4.13 A further allocation is highly unlikely to happen in the foreseeable future. This is evidenced by the government's recent response to the House of Lords Gambling Industry Committee Report regarding the Social and Economic impact of the Gambling Industry. Their response was in agreement with the proposed restrictions and regulations recommended by the Committee.
- 4.14 There would also be a requirement for Babergh to bid on such an allocation if another provision of casinos were ever to become available.

5. LINKS TO CORPORATE PLAN

- 5.1 The Council in its Corporate plan states that we are looking to support local businesses, jobs, and economic resilience, a 'No Casino' resolution would incur opportunity risks of:

- Missed Opportunity for income to the Council as set out in the financial implications below.
- Missed opportunity for increased employment opportunities within the District.
- Missed opportunity to bring further tourism and revenue into the District.

6. FINANCIAL IMPLICATIONS

- 6.1 If the Council were to adopt a 'No Casino' resolution, that would prevent casino premises from being established within the district and would prevent the Council from obtaining any license fees in respect of these.
- 6.2 The initial application fee for a small casino is £8,000, and thereafter £5,000 a year. The initial application fee for a large casino is £10,000, and thereafter £10,000 a year.

7. LEGAL IMPLICATIONS

- 7.1 The legal implications are set out in the body of this report.
- 7.2 The legislation is clear in that only the Council can determine a resolution under s166. All members of Council including members of the Licensing and Regulatory Committee can contribute to any debate relating to this matter.

8. RISK MANAGEMENT

- 8.1 If the Council decide not to adopt a 'No Casino' resolution and a future casino application is granted the further Key risks may arise:

Risk Description	Likelihood	Impact	Mitigation Measures
A casino could have an adverse impact on local property	2- Unlikely	2 - Noticeable	Reviewed, revised and reconsulted every three years in line with the Statement of Principles
Gambling has a negative perception and can have an adverse effect on individuals who become addicted, who lack social interaction, those who overspend and there is a potential for money laundering	2- Unlikely	2-Noticeable	Reviewed, revised and reconsulted every three years in line with the Statement of Principles

9. CONSULTATIONS

9.1 No consultations have taken place, however, should a 'No Casino' resolution be passed then the Council's 'Statement of Principles' will be consulted upon again.

10. EQUALITY ANALYSIS

10.1 There are no links to any significant risks arising directly from this report.

11. ENVIRONMENTAL IMPLICATIONS

11.1 There are no direct Environmental Implications arising from this report.

12. APPENDICES

Title	Location
(a) Gambling Act 2005 Overall Limits and Map of Casino Locations	Attached
(b) Map of Councils who have currently adopted a No Casino Resolution	Attached

13. BACKGROUND DOCUMENTS

Gambling Act 2005

The Gambling Commission's Guidance to Licensing Authorities 2021 Edition

Babergh District Council: Statement of Principles

Governments Response to the House of Lords Gambling Industry Committee Report on the Social and Economic Impact of the Gambling Industry December 2020

14. REPORT AUTHORS

Cassandra Clements – Assistant Director Environment & Commercial

Katherine Green - Licensing Officer

Kay Sanders – Licensing Officer



Gambling Act 2005

2005 CHAPTER 19

PART 8

PREMISES LICENCES

Specific cases

175 Casino premises licence: overall limits

- (1) No more than one casino premises licence may have effect at any time in respect of regional casinos.
- (2) No more than eight casino premises licences may have effect at any time in respect of large casinos.
- (3) No more than eight casino premises licences may have effect at any time in respect of small casinos.

■ Regional casino

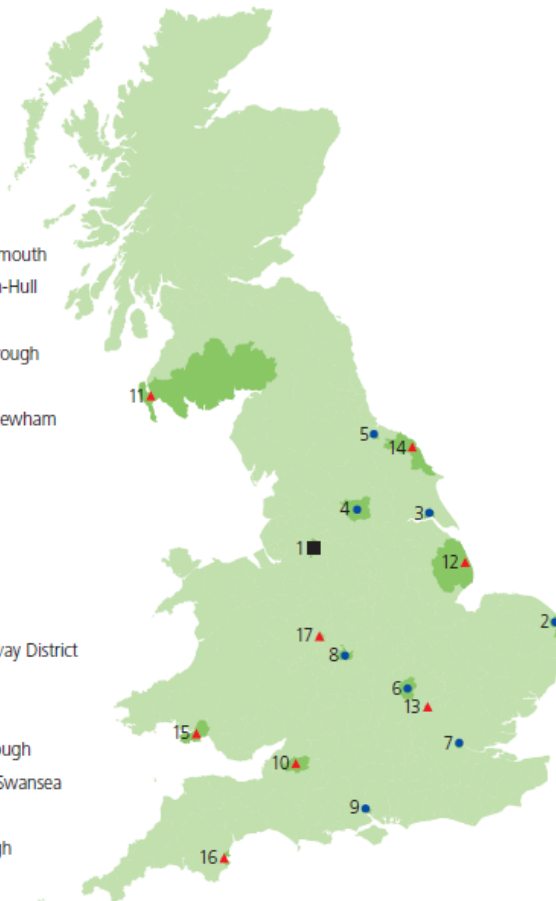
- 1 City of Manchester

● Large casinos

- 2 Borough of Great Yarmouth
- 3 City of Kingston-upon-Hull
- 4 City of Leeds
- 5 Borough of Middlesbrough
- 6 City of Milton Keynes
- 7 London Borough of Newham
- 8 Borough of Solihull
- 9 City of Southampton

▲ Small casinos

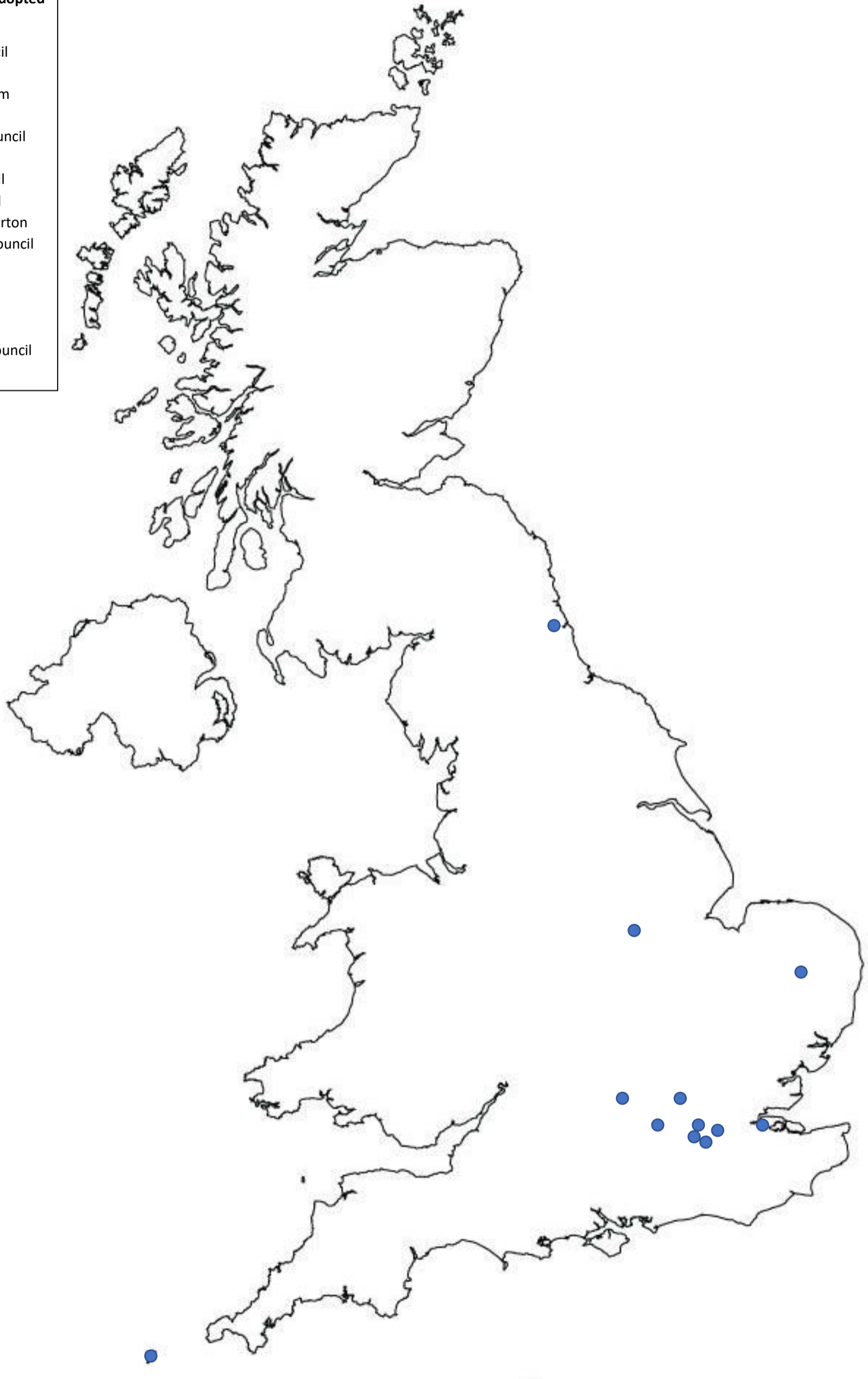
- 10 Bath and North East Somerset District
- 11 Dumfries and Galloway District
- 12 East Lindsey District
- 13 Borough of Luton
- 14 Borough of Scarborough
- 15 County Borough of Swansea
- 16 Borough of Torbay
- 17 Metropolitan Borough of Wolverhampton



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Research has identified the following Councils have adopted a No Casino Resolution:

- Nottingham City Council
- London Borough of Hammersmith & Fulham Council
- Mid Suffolk District Council
- Oxford City Council
- Slough Borough Council
- North Tyneside Council
- London Borough of Merton
- Gravesham Borough Council
- Bromley Council
- Kingston upon Thames Borough Council
- Isles of Scilly Council
- Three Rivers District Council



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