

MID SUFFOLK DISTRICT COUNCIL

TO: Licensing and Regulatory Committee MSDC Council	REPORT NUMBER: MLR/18/6
OFFICER: Lee Carvell, Corporate Manager – Open for Business David Price – Licensing Officer	DATE OF MEETING: 1 February 2019 – Licensing and Regulatory Committee 18 March 2019 – Council

GAMBLING ACT 2005: 'NO CASINO' RESOLUTION

1. PURPOSE OF REPORT

- 1.1 To advise the Licensing and Regulatory Committee of 'No Casino' resolutions under section 166 of the Gambling Act 2005.
- 1.2 To ask Council to decide whether to pass a 'No Casino' resolution under section 166 of the Gambling Act 2005 ('the Act').

2. OPTIONS CONSIDERED

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

3. RECOMMENDATIONS

- 3.1 That the Committee note the content of this report and determine whether to ask Full Council to hold a debate and vote on whether the Council should have a 'No Casino' Resolution; or
- 3.2 That the Committee recommends that a report be brought to full Council in 2021 prior to the consultation of that year of the Council's 'Statement of Principles' in accordance with the Statutory three-yearly review requirement.

RECOMMENDATION TO COUNCIL

- 3.3 That the Council adopts a 'No Casino' resolution, in accordance with section 166 of the Act; and
- 3.4 That the Council's 'Statement of Principles' be amended in accordance with section 349 of the Act; or
- 3.5 The Council makes no resolution on casinos.

REASON FOR DECISION

Recommendation by the Licensing and Regulatory Committee in December 2018 for Council to consider adopting a 'No Casino' resolution.

4. KEY INFORMATION

- 4.1 The Gambling Act 2005 ('the Act') became effective in September 2007, contained within the provisions of the Act under section 174 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, however the Act under section 175 also set a limit of the numbers of these types of new casino, 8 Small, 8 Large and 1 Regional.
- 4.2 In 2006, 68 Local Authorities submitted bids for the allocation of new types of casino under the Act (Mid Suffolk didn't bid to have a casino within its district). 16 Local Authorities were granted the allocation of Small and Large types of casino in 2007 (paragraph 17.4 of the statutory Gambling Commission's Guidance to Licensing Authorities refers), however the Regional (super casino) fell by the wayside and is unlikely to be resurrected having been initially awarded to Manchester City Council.
- 4.3 As the allocation for casinos under the Act has already been taken up, it would need the right economic climate and the political will of Government for the Secretary of State to lay legislation for a further allocation of casinos (It would also require Mid Suffolk to bid on such an allocation if another round of casinos were ever made). A further allocation is highly unlikely to happen in the foreseeable future.
- 4.4 The Council has previously held two such votes on a 'No Casino' resolution, the last vote being taken in June 2012 (C/49/2 refers), this was held prior to the consultation of the Gambling Act 2005 'Statement of Principles' of that year. Neither vote resulted in a 'no casino' resolution being passed.
- 4.5 Under section 166 of the Act a Licensing Authority ('the Council') may resolve not to issue casino premises licences (a 'No Casino' resolution). If the Council decided to pass such a resolution, it must be based on any principle or matter not just the licensing objectives under the Act, affecting the district of Mid Suffolk.
- 4.6 The decision to pass such a resolution may only be taken by the Council and cannot be delegated to the Licensing and Regulatory Committee.
- 4.7 Where a 'No Casino' resolution is passed it must apply to the whole district and cannot be limited to specific geographic areas or categories of casinos and the Council must specify the date that it should take effect.
- 4.8 A resolution once passed, is in effect for a period of three years from the date it takes effect. After the resolution has been in effect for three years should the Council wish to keep the resolution, the Council would need to readopt it, otherwise it will lapse.
- 4.9 Where an authority passes a resolution not to issue casino premises licences, it can revoke the resolution by passing a counter-resolution, which again must be done by full Council and cannot be delegated to the Licensing and Regulatory Committee.
- 4.10 Once a resolution has been adopted it must be placed within the Council's 'Statement of Principles'. Currently Mid Suffolk has just consulted on its policy, readopted and has published its policy since 3 January 2019 to take effect from 31 January 2019. Should the Council consider a 'No Casino' resolution necessary, the Council's 'Statement of Principles' must go back out to consultation.

4.11 The licensing objectives under the Act 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; and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

5. LINKS TO JOINT STRATEGIC PLAN

5.1 The Council in its joint strategic plan states that we are looking to attract new businesses into the area, a 'No Casino' resolution would incur opportunity risks of:

5.2 Missed opportunity for income to the Council as set out in financial implications below.

5.3 Missed opportunity for increased employment opportunities within the District.

5.4 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 then £5,000 a year. The initial application fee for a large casino is £10,000, and then £10,000 a year.

6.3 However, the Licensing service has to be self-financing, and non-profit making. Therefore, any increase in fee income would have to be offset against administration costs, which could include inspection and enforcement.

6.4 Where a 'No Casino' resolution is passed the Council's Gambling Act 2005 'Statement of Principles' would need to be consulted upon, which would bring an additional cost upon the Licensing budget.

7. LEGAL IMPLICATIONS

7.1 The legal implications are set out in the body of this report.

8. RISK MANAGEMENT

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

9. CONSULTATIONS

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

10. EQUALITY ANALYSIS

10.1 There are no equality implications 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) DCMS: Gambling Act 2005 first report following the Act's inception (Casino's - report extract) 24 July 2012 https://publications.parliament.uk/pa/cm201213/cmselect/cmcmds/421/421.pdf	Attached and weblink

13. BACKGROUND DOCUMENTS

13.1 Gambling Act 2005

13.2 The Gambling Commission's Guidance to Licensing Authorities 5th Edition September 2015 (as amended September 2016)

13.3 Final report of the Casino Advisory Panel January 2007