

Report to Licensing committee

30 January 2020

Report of Environmental health and public protection manager

Subject Gambling policy: inclusion of a “No Casino” resolution

Item

7

Purpose

To consider the legal position following the request at the September meeting of licensing committee for information on the leaving the “no casino” resolution in the updated gambling policy.

Recommendation

To recommend to Council not to introduce a “no casinos” resolution into the updated gambling policy at this present time.

Corporate and service priorities

The report helps to meet the corporate priorities of inclusive economy and people living well.

Financial implications

None.

Ward/s: All Wards

Cabinet member: Councillor Maguire - Safe and sustainable city environment

Contact officers

Michael Stephenson, Environmental health and Public protection manager 01603 212283

Background documents

Appendix 1: confirmation of current position by the Gambling Commission

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Report

1. The Gambling Policy which is currently being updated was written in 2006 after the Gambling Act 2005 came into force.
2. In the Gambling Act 2005 provision was made for the Secretary of State to inter-alia: make regulations by reference to which any casino may be classified as:
 - a) A regional casino
 - b) A large casino
 - c) A small casino or
 - d) Below the minimum size for a licensed casino
3. However, the Secretary of State did not make any such regulations until May 2008 when the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 came into force. (Appendix 1)
4. In drafting and adopting our Gambling Policy 2006 it would appear licensing committee considered casinos and their licensing at this time and agreed the no casino resolution contained in the existing Gambling Policy.
5. The order made by the Secretary of State above specifies which Licensing Authorities can issue a large casino licence and which can issue a small casino licence. Currently, the only licensing authority in the east of England that can issue a casino licence is Gt Yarmouth Borough Council.
6. Therefore by introducing this order the Secretary of State has prevented this council from issuing any type of casino licence. We have contacted the Gambling Commission and they have confirmed this in the current legal position. (Appendix 2)
7. There is no indication from government that the order above is to be amended in the near future, so leaving the “no casino” resolution in the policy is currently not necessary.
8. If the order is changed in the future, our policy will be reviewed and updated at this time, albeit this will not prevent an application to the council being made for a casino licence in Norwich.
9. Any application received by the council will need to be considered by the licensing committee and a formal decision made.

STATUTORY INSTRUMENTS

2008 No. 1327

BETTING, GAMING AND LOTTERIES

**The Gambling (Geographical Distribution of Large and Small
Casino Premises Licences) Order 2008**

Made - - - -

19th May 2008

Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of the powers conferred by sections 175(4) and 355 of the Gambling Act 2005(a).

In accordance with section 175(4) of that Act the Secretary of State has consulted the Scottish Ministers and the Welsh Ministers(b).

In accordance with section 355(6) of that Act a draft of this Order was laid before and approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 and shall come into force on the day after the day on which it is made.

Licensing authorities who may issue large casino premises licences

2.—(1) The following licensing authorities may issue large casino premises licences—

- (a) Great Yarmouth Borough Council,
- (b) Kingston upon Hull City Council,
- (c) Leeds City Council,
- (d) Middlesbrough Borough Council,
- (e) Milton Keynes Borough Council,
- (f) Newham London Borough Council,
- (g) Solihull Metropolitan Borough Council, and
- (h) Southampton City Council.

(a) 2005 c. 19.

(b) The function of the National Assembly for Wales in section 175(4) of the Gambling Act 2005 was transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c.32). Under paragraph 32 of Schedule 11 to the Government of Wales Act 2006, the reference to the National Assembly for Wales in section 175(4) is to be construed as being a reference to the Welsh Ministers.

(2) No more than one such licence issued by each licensing authority may have effect at any time.

Licensing authorities who may issue small casino premises licences

3.—(1) The following licensing authorities may issue small casino premises licences—

- (a) Bath and North East Somerset District Council,
- (b) East Lindsey District Council,
- (c) Luton Borough Council,
- (d) Scarborough Borough Council,
- (e) Swansea City and County Council,
- (f) Torbay Borough Council,
- (g) Wigtown Divisional Licensing Board in the area of Dumfries and Galloway Council, and
- (h) Wolverhampton City Council.

(2) No more than one such licence issued by each licensing authority may have effect at any time.

19th May 2008

Andy Burnham
Secretary of State
Department for Culture, Media and Sport

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies which licensing authorities may issue large and small casino premises licences.

Article 2 provides for the licensing authorities named in that article to issue large casino premises licences. The article also provides that only one such licence issued by each licensing authority may have effect at any time.

Article 3 provides for the licensing authorities named in that article to issue small casino premises licences. The article also provides that only one such licence issued by each licensing authority may have effect at any time.

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From: Gambling Commission [<mailto:INFO@GAMBLINGCOMMISSION.GOV.UK>]
Sent: 09 October 2019 12:15
To: Wright, Jenny
Subject: DN 09/10/2019 Jenny Wright Norwich City Council [#41017D]

EXTERNAL EMAIL - Do not click on links or open attachments if you do not recognise the sender's email address.

Dear Ms Wright,

Thank you for your email dated 19 September 2019. I am sorry for the delay in responding to you.

You are correct with your understanding that the legislation would need to be changed in order to permit a casino of any kind within Norwich. As far as I am aware, there has not been any proposals to call for change within this order.

I hope for you find this information useful.

Your enquiry reference number is 1-181525802

To help us to continually improve our service, we would be grateful if you could complete our short online survey. Please click on the following link should you wish to complete the survey:

<https://www.surveymonkey.co.uk/r/63RPKWN>

Yours sincerely

Daniel Newby
Contact Advisor
GAMBLING COMMISSION
Victoria Square House
Victoria Square
Birmingham B2 4BP
Tel: 0121 230 6666
www.gamblingcommission.gov.uk

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