
Gambling policy 2022-2025

Licensing & Public Safety Committee

Decision to be taken by: Council

Date of meeting: 15 November 2021

Lead director/officer: John Leach, Director of
Neighbourhood & Environmental Services

Useful information

- Ward(s) affected: All
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- Report version number: 1

1. Summary

- 1.1 The Council is required to publish its statement of gambling policy at least four weeks before it takes effect.
- 1.2 The current statement of gambling policy expires on 31 January 2022.
- 1.3 Consultation has taken place with relevant stakeholders and approval for the new policy will be sought at Full Council on 25 November 2021.

2. Recommended actions/decision

- 2.1 The Licensing and Public Safety Committee is asked to make any comments on the proposed policy and the consultation responses prior to the proposed policy being reported to Full Council in November for approval.

3. Scrutiny / stakeholder engagement

- 3.1 In accordance with the Gambling Act, consultation has taken place with:
 - The Chief Officer of Police
 - Representatives of the gambling trade
 - Representatives of people who may be affected by the Gambling Policy
- 3.2 Holders of existing gambling permissions have also been contacted directly. The consultation has been available on the Council's website between 11th October and 7th November 2021.

4. Background and options with supporting evidence

- 4.1 The Gambling Act 2005 came into effect in 2007. As Licensing Authority, Leicester City Council is required to publish its Gambling Policy for 2022-25 no later than 3rd January 2022 (4 weeks before the new policy takes effect).
- 4.2 In exercising its functions under the 2005 Act, section 153 states that the licensing authority shall aim to permit the use of premises for gambling insofar as the authority thinks it:
 - a) in accordance with any relevant code of practice under s.24
 - b) in accordance with any relevant guidance issued by the Commission under s.2
 - c) reasonably consistent with the licensing objectives (subject to a and b above)

d) in accordance with the licensing authority's statement of licensing policy (policy statement) (subject to a to c above).

4.2 No key issues of significance requiring a change in the policy have been raised since it came into effect in February 2019. This policy was not significantly different to the original policy introduced in February 2007.

5. Detailed report

5.1 The current statement of gambling policy expires on 31st January 2022. The Council is required to publish its new statement of gambling policy at least four weeks before it takes effect.

5.2 Licensing Authorities may consider having a "no casino" policy, and if they do, this must be included in their Gambling Policy. A "no casino" policy has no effect on existing casinos, but prevents a licensing authority from issuing a new casino licence. The Gambling Act limits the number of new casinos nationally to one regional, eight large and eight small. There are currently no approved locations for regional casinos in England and Wales. Leicester City Council has not previously made a 'no casino' policy.

5.3 Section 166 of the Gambling Act 2005 provides that a licensing authority may resolve not to issue casino premises licences and that in passing a resolution a licensing authority may have regard to any principle or matter. Officers are not aware of concerns in relation to the existing casinos in Leicester to indicate that this sector is particularly problematic. There are currently three licensed casinos in the city, two of which are operational.

5.4 A local area profile has been produced for Leicester and is available on the Council's website at [Gambling licensing \(leicester.gov.uk\)](http://leicester.gov.uk/gambling-licensing). It was first produced in April 2019 and is updated regularly. Existing and new operators are expected to take into account the profile when determining what steps they need to take to mitigate risk and to promote the licensing objectives.

5.5 The existing policy has been updated, with the changes being those required to bring the policy up to date and align it with revised guidance from the Gambling Commission. The updated policy is attached at Appendix A and a summary of the changes is attached at Appendix B.

5.6 In view of the minimal changes it was appropriate to carry out a light touch consultation, referencing the amendments and asking for comments on the proposed policy.

5.7 The Gambling Act 2005 states that the licensing authority must consult the following before determining its statement of gambling policy:

- The Chief Officer of Police
- Representatives of the gambling trade
- Representatives of people who may be affected by the Gambling Policy

- 5.8 Consultation has taken place with the above parties and also with other relevant stakeholders such as councillors and charities/services for people adversely affected by gambling. The consultation was available on the Council's website between 11th October and 7th November 2021. The responses are not available at the time of writing the report but will be made available to Members at the meeting, together with officers' observations.
- 5.9 The draft policy has been considered by the City Mayor and Executive on 14th October 2021 and by the Neighbourhoods Scrutiny Commission on 21st October 2021. The City Mayor and Executive asked for further detail and context around the Council's limited powers regarding controls on the growth of gambling establishments, limits in relation to online gambling and details of where support can be found for addiction issues. Neighbourhoods Scrutiny recommended that Council consider whether to make a "No casinos" resolution and to raise awareness of online gambling.
- 5.10 Licensing authorities have a duty to aim to permit gambling as set out in paragraph 4.2 above. In determining an application for a gambling licence it is not for a licensing authority to have a view on any impact gambling may have on individuals or communities. However, as a local authority Members may wish to note the observations of colleagues in Public Health, who say that problem gambling is considered a public health issue for the following reasons;
- a) The impact of problematic gambling is not just on the gambler but on their family friends and wider society (i.e it affects a lot of people)
 - b) There is an inequality in terms of the detrimental effects of problem gambling. E.g. people from a BAME background are less likely to gamble overall but are more likely to classify as a problematic gambling. Similarly people classified as unskilled/manual workers gamble less but experience more harmful effects. (i.e it exacerbates health inequalities)
 - c) There is a strong link between problematic gambling and other harmful behaviours such as excess alcohol consumption and other health conditions such as mental health issues.
 - d) There is also a difference in terms of take up of treatment and support services with people from a BAME background and lower Socioeconomic status less likely to access services
- 5.11 Licensed gambling establishments must comply with the law and with relevant codes of practice issued by the Gambling Commission, including age restrictions and the provision of signposting to organisations offering support.
- 5.12 The consultation responses and the comments from the City Mayor and Executive, Neighbourhoods Scrutiny and the Licensing & Public Safety Committee will be submitted to Full Council on 25 November 2021, when full Council will be asked to approve the authority's gambling policy for 2022-25.

6. Financial, legal, equalities, climate emergency and other implications

6.1 Financial implications

Premises licence fees are set based on the type of premises, with a prescribed maximum fee for each type. Licensing authorities are able to set licence fees so as to ensure full cost

recovery, subject to these caps. Over the life of the policy being proposed in this report, fees will be subject to periodic review to ensure that all costs are being recovered.

Stuart McAvoy – Principal Accountant

6.2 Legal implications

Section 349 of the Gambling Act 2005 requires Licensing Authorities to prepare and publish a Licensing Policy Statement. The Licensing Policy Statement will last for a maximum of 3 years, but can be reviewed and revised by the authority at any time. It must set out the principles the Authority proposes to apply in exercising its functions under the Act during the 3 year period to which the Policy applies. Any revision must be published before it is given effect.

The statement must be produced following widespread consultation with

- 1) the chief officer of Police for the authority's area
- 2) persons who appear to the authority to appear to the authority to represent the interests of the persons carrying on gambling businesses within the area, and
- 3) persons who appear to the authority to represent the interests of persons who are to be affected by the exercise of the authority's functions under the Act.

The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 set out the form of Licensing Policy Statements and the procedures to be followed in relation to preparing, revision and publication of the Statements.

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 states that determining the Licensing Authority Policy Statement is not a function within the sole responsibility of the executive. Therefore it has to be considered by the Cabinet and approved by full Council before it is published.

Under S.166 (1) of the Gambling Act 2005, a Licensing Authority may resolve not to issue casino premises licences and adopt a 'no casino policy'. In passing such a resolution, a Licensing Authority may have regard to any principle or matter.

A resolution under Subsection (1) –

- (a) must apply to the issue of casino premises licences generally,
- (b) must specify the date on which it takes effect,
- (c) may be revoked by a further resolution, and
- (d) shall lapse at the end of the period of three years beginning with the date on which it takes effect (without prejudice to the ability to pass a new resolution).

Katherine Jamieson – Legal Services

6.3 Equalities implications

Under the Equality Act 2010, public authorities have a Public Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act, to advance equality of opportunity between people who share

a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

If the proposed policy is agreed this could have an impact on people from across a range of protected characteristics, with one of the objectives of the policy being to protect vulnerable persons from being harmed or exploited by gambling. Equality considerations need to be embedded throughout the policy and an Equality Impact Assessment is currently underway. The EIA should inform the process going forward, taking into account any consultation feedback.

Sukhi Biring, Equalities Officer, 454 4175

6.4 Climate Emergency implications

There are no significant climate emergency implications associated with this report.

Aidan Davis, Sustainability Officer, Ext 37 2284

6.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

7. Background information and other papers:

None

8. Summary of appendices:

Appendix A – draft statement of gambling policy for 2022-2025

Appendix B – summary of proposed changes to gambling policy

9. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?

No

10. Is this a “key decision”? If so, why?

No