

Meeting: Council

Date: 17 November 2021

Wards: All

Subject: Adoption of the Council’s Statement of Principles 2022-2025 as required under Section 349 of the Gambling Act 2005 including the re-adoption of the Council’s no casino policy.

Lead officer: Chris Lee, Director of Environment and Regeneration.

Lead member: Councillor Nick Draper, Chair of the Licensing Committee

Forward Plan reference number: N/A

Contact Officer: Caroline Sharkey, Licensing Manager, London Boroughs of Merton, Richmond upon Thames and Wandsworth Joint Regulatory Services Partnership and Guy Bishop Senior Lawyer Litigation and Planning Team.

Recommendations:

- A. To adopt the Council’s Statement of Principles 2022-2025 as required under Section 349 of the Gambling Act 2005 as approved by Members of the Licensing Committee on 14 October 2021 to come into effect on the 31st January 2022
- B To resolve not to issue a Casino Premises Licence or allow operators to make application for premises licences for casinos, as approved by Members of the Licensing Committee on 14 October 2021, to come into effect on the 31st January 2022

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 There is a statutory requirement under section 349 of the Gambling Act 2005 for the Council to review and republish its Statement of Principles under the Gambling Act 2005 every three years.
- 1.2 In addition Section 166 of the Gambling Act 2005 allows a Licensing Authority to resolve not to issue a Casino Premises Licence or allow operators to make application for premises licences for casinos in its area. The decision must be taken by the authority as a whole and cannot be delegated to the Regulatory Committee. Where a resolution is passed it must be published by the Authority in its three year statement of principles.

2. DETAILS

- 2.1 This is the sixth Statement of Principles in respect of the Gambling Act; the fifth having been adopted by the Council in 2018.

- 2.2 The Council first approved a 'no casino' resolution at its meeting on 5th April 2006 and re-stated it in 2009, 2013, 2015 and 2018.
- 2.3 The Licensing Authority must carry out consultation with a prescribed list of consultees before determining its Statement of Principles under the Gambling Act 2005.
- 2.4 The public consultation on the draft Statement of Principles, including the 'no casino' policy, took place between 19 July 2021 and 27 September 2021.
- 2.5 An electronic copy of the draft document was published on the Council's website. All responsible authorities, a number of interested parties, residents associations and Ward Councillors were notified of the public consultation.
- 2.6 During the consultation period, the Licensing Authority received ten responses to the consultation through the on-line survey. In addition, four responses were received directly.
- 2.7 The majority of people responding to the consultation were supportive of the proposed Statement of Principles. All who commented supported the retention of the 'no casino policy'. There was no dissent.
- 2.8 Copies of the responses received were presented to Members of the Licensing Committee for their consideration at the meeting held on 14 October 2021.

3 **DECISION**

- 3.1 Members of the Licensing Committee decided to approve the draft Statement of Principles under the Gambling Act 2005 and the 'no casino' resolution attached at Appendix A with a recommendation for adoption by full Council.

4. **ALTERNATIVE OPTIONS**

- 4.1 None for the purposes of this report

5. **CONSULTATION UNDERTAKEN OR PROPOSED.**

- 5.1 A ten-week public consultation was undertaken on the proposed Statement of Principles and the proposed re-stating of the 'no casino' policy between 19 July 2021 and 27 September 2021

6. **TIMETABLE.**

- 6.1 Following adoption by full Council the Statement of Principles 2022-2025 made under the Gambling Act 2005 will be published at least 4 weeks before the 31st January 2022 on the authority's website and also be available for inspection by the public. At the same time a notice advertising the publication will be placed on the Council's website and on a public notice board in the Town Hall.
- 6.2 The Statement of Principles will take effect from the 31st January 2022

7. **FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS.**

7.1 None for the purposes of this report.

8. **LEGAL AND STATUTORY IMPLICATIONS.**

8.1 Section 349 of the Gambling Act 2005 requires the Licensing Authority to prepare and publish as Statement of Licensing Policy every 3 years. The next Statement must come into effect by the 31st January 2022 when the previous policy expires.

8.2 Section 349(3) of the Gambling Act 2005 the lists the persons the Licensing Authority is required to consult in preparing its Statement

8.3 Section 25 of the Gambling Act 2005 requires the Authority to have regard to the Gambling Commission's Guidance when preparing its Statement of Licensing Policy risk assessment.

9. **HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS.**

9.1 These are statutory functions and are applied globally.

10.0 **CRIME AND DISORDER IMPLICATIONS.**

10.1 The service has a statutory duty to contribute to the reduction of crime and disorder within the London Borough of Merton under Section 17 Crime and Disorder Act 1988. Preventing gambling from being a source of crime or disorder, being associated with crime and disorder, or being used to support crime and protecting children and other vulnerable persons from being harmed or exploited by gambling are two of the three licensing objectives as defined in the Gambling Act 2005 and form the main principles of the Council's Statement under the Gambling Act

11. **RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS.**

11.1 All risk and health and safety implications have been considered when compiling this report. None are apparent.

12. **APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT.**

12.1 Appendix "A" Draft Statement of Principles under the Gambling Act 2005.

13. **BACKGROUND PAPERS – THE FOLLOWING DOCUMENTS HAVE BEEN RELIED ON IN DRAWING UP THIS REPORT BUT DO NOT FORM PART OF THE REPORT.**

13.1 The Gambling Act 2005
https://www.legislation.gov.uk/ukpga/2005/19/pdfs/ukpga_20050019_en.pdf

13.2 Gambling Commission Guidance to Licensing Authorities
<https://www.gamblingcommission.gov.uk/for-licensing->

- 13.3 Existing Statement of Policy under the Gambling Act [GamblingPolicyNovember2018.pdf \(merton.gov.uk\)](#)
- 13.4 Consultation responses – directly received
- 13.5 On-line consultation responses