

**MONMOUTHSHIRE COUNTY COUNCIL
REPORT**

SUBJECT: Statement of Gambling Policy and Proposals for Casinos

DIRECTORATE: Social Care, Safeguarding and Health

MEETING: Full Council

Date to be considered: 25th October 2018

DIVISION/WARDS AFFECTED: All Wards

1. PURPOSE:

- 1.1 To consider the Council's existing resolution to not permit casinos within the County Of Monmouthshire.
- 1.2 To agree the Council's 'Statement of Gambling Policy 2019'.

2. RECOMMENDATION(S):

- 2.1 To refuse any casino applications made under the Gambling Act 2005, and stated within the Authority's Gambling Policy.
- 2.2 To adopt the 'Statement of Gambling Policy 2019' for Monmouthshire County Council, provided in Appendix A (changes to the existing policy is highlighted in red).

3. KEY ISSUES

- 3.1 Each Local Authority, under the provisions of Section 154 of the Gambling Act 2005, must issue a policy which will determine how they will discharge their functions. The current policy held by this Authority under the Gambling Act was approved at Full Council on 19th November 2015. There is a duty to review the policy every three years. The new policy will be required to commence on 31st January 2019, in accordance with the Act. This report sets out the procedure and proposed policy statement and includes the principle to refuse any casino applications.
- 3.2 The Council will need to consider firstly if they wish to continue with the resolution not to have a casino within the County. The decision on this will then be inserted into the revised Gambling Policy that will be published on 31st January 2019.
- 3.3 140 casinos were permitted across the UK to continue to operate under 'grandfather rights' when the Gambling Act came into force on 1st September 2007. Central Government, upon the advice of the Casino Advisory Panel, permitted a further 8 large and 8 small casinos, which have all been duly issued. There is currently no further provision for more casinos to be allocated. However, the Council still needs to consider the course of action they wish to take with casinos, and place this within the Gambling Policy. Reference would be made to the Policy should one of the 8 large or 8 small casinos become available, or if Central Government changes their stance on casinos and increases the permitted numbers.
- 3.4 Before any licence for a Casino is granted the Casino Advisory Panel will advise Central Government that the area is in need of regeneration. Monmouthshire would also have to satisfy them that this is the case along with the type of area, social impact, community benefits and unique characteristics. However, before a decision is made to go against the current stance not to have casinos within the County, Members should be aware of

the 'Chief Medical Officer for Wales Annual Report 2016-2017 – Gambling with our health' <http://gov.wales/topics/health/professionals/cmo/reports/?lang=en> and their concerns relating to Gambling. This is referred to in the Future Generation report attached as Appendix B.

3.5 With regards to the Policy and how the Council will discharge their functions, it must contain objectives regarding the following:-

- 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.

The Council will also need to have regard to any relevant Code of Practice issued by the Secretary of State, guidance issued by the Gambling Commission, how they exercise their functions consistent with the objectives and in accordance with the policy itself.

3.6 The Policy must be approved by Full Council and can last for a period of three years, in accordance with Section 154(2) of the Gambling Act 2005. It further states within Section 349 that prior to approval consultation must take place with:-

- The Police
- The Fire Authority
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area, and
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.

3.7 The revised policy must be published and in place for commencement on 31st January 2019. The Gwent Licensing Forum, which consists of Council Licensing Officers, Gambling Commission and Public Health covering the areas of Monmouthshire, Torfaen, Caerphilly, Blaenau Gwent and Newport, has worked on formulating a policy to incorporate any legal changes and best practice. The proposed Policy has been endorsed by the Gwent Licensing Forum with the aim of all five Authorities adopting this Policy, subject to changes pertinent to each Authorities area and character.

3.8 At the Licensing and Regulatory Committee on 12th June 2018, Members agreed in principle to retain the current resolution not to issue casino licences within the County of Monmouthshire prior to consideration at Full Council. They further agreed at this meeting to review the 'Statement of Gambling Policy 2019', following the consultation period of this document, which ended on 31st August 2018.

3.9 The required consultation in accordance with 3.6 above was duly carried out. A response was received by Public Health Wales (Gwent) team and the Aneurin Bevan University Health Board. Both Health responses requested the Policy consider if there is a cluster of gambling premises, if alcohol is served nearby, if a premises would be near vulnerable groups, that staff should have training to deal with such groups before a gambling premises licence is granted. They also recommended that gambling premises provide details of services available to deal with problem gambling.

- 3.10 The Gwent Licensing Forum were informed of the response to the Policy in 3.9 above and Licensing of Newport City Council agreed to changes to the Policy to accommodate the recommendations.
- 3.11 At the Licensing and Regulatory Committee on 18th September 2018, Members considered the consultation responses in 3.9 above, and the views of Newport City Council, and agreed to revise the 'Statement of Gambling Policy 2019' which is now attached as Appendix A. They recommended this revised Policy be adopted, subject to approval at Full Council on 25th October 2018.

4 REASONS:

- 4.1 The policy is necessary to guide consistent decisions and takes account of guidance.
- 4.2 There is a need to take account of collaborative approaches.
- 4.3 To ensure that applications with no relevant information to consider can be dealt with without unnecessary delay.
- 4.4 To enforce the provisions of the Gambling Act 2005 effectively.

5. RESOURCE IMPLICATIONS:

- 5.1 Any additional costs will be absorbed within our existing licensing budget.

6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS

- 6.1 The 'Future Generations' template is attached as Appendix B. In summary, currently the Authority has a resolution not to permit casinos within the County. If this resolution was to be lifted, it may promote excessive gambling within casinos. This may in turn impact on those who are vulnerable or addicted to gambling.
- 6.2 If the resolution not to permit casinos is maintained, this protects children and so contributes positively to the wellbeing of existing and future generations.
- 6.3 It is a statutory requirement to compile a Gambling Policy, as outlined in Section 3. Although not a 'proposal' (therefore not requiring full assessment), it does contribute positively to protecting children and other vulnerable persons from being harmed or exploited by gambling.

7. CONSULTEES:

- SLT
- Cabinet Members
- Chairs of Select Committee
- Head of Legal Services
- Relevant bodies as outlined in 3.6 and 3.7 above
- The Licensing and Regulatory Committee (12th June 2018 and 18th September 2018)

8. BACKGROUND PAPERS:

Gambling Act 2005.

Gambling Commission Guidance issued under Section 349 of the Gambling Act 2005.

9. AUTHOR:

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