

MONMOUTHSHIRE COUNTY COUNCIL REPORT

SUBJECT: Statement of Gambling Policy and Proposals for Casinos

DIRECTORATE: Social Care, Safeguarding and Health

MEETING: Licensing & Regulatory Committee

Date to be considered: 18th May 2021

DIVISION/WARDS AFFECTED: All Wards

1. PURPOSE:

- 1.1 To consider the approach to be adopted by Monmouthshire County Council with regard to casino premises applications within the County prior to submission to Full Council.
- 1.2 To consider the proposed 'Draft Statement of Gambling Policy 2022' prior to submission to Full Council.

2. RECOMMENDATION(S):

- 2.1 Members consider whether to retain the current resolution not to issue casino licences within the County of Monmouthshire prior to it being considered at Full Council.
- 2.2 Members review the proposed updated Gambling policy statement for the period 31 January 2022 to 30 January 2025 (changes highlighted in red), which is attached as Appendix A. To seek approval to commence the statutory consultation process prior to determining the new statement.

3. KEY ISSUES

- 3.1 Section 349 of the Gambling Act 2005 requires that before each successive period of three years, the Council, in its role as the Licensing Authority, prepares and publishes a policy statement that it proposes to apply in exercising its functions under the Act during that period. The current Gambling policy covers the three-year period that began on 31 January 2019. A review must therefore be undertaken and the next Gambling policy published before 31 January 2022. Consultation must be undertaken as part of the preparation of the policy and a draft version of the revised policy is brought before Members, which includes the determination of casinos for their consideration prior to commencing the consultation process.
- 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 31 January 2022.
- 3.3 Central Government upon the advice of the Casino Advisory Panel permitted 8 large and 8 small casinos along with those who had grandfather rights when the Act came into force, which have all been duly issued. There is currently no further provision for more casinos to be allocated. However, the Council still need to consider the course of action they wish to take with casinos and place this within the Gambling Policy should the availability of casinos change.

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 and Monmouthshire would have to satisfy them that this is the case along with the type of area, social impact, community benefits and unique characteristics. In addition, before a decision is made to go against the current stance not to have casinos within the County, Members should be aware of Chief Medical Officer for Wales Report concerning health and gambling referred to in Future Generation report attached as Appendix B.

3.5 With regards to the Policy and how the Council will discharge their functions. The Policy 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 Since its publication in January 2019, the current Gambling policy has proved effective in guiding Officers, Members, the holders of licences and other authorisations granted under the Gambling Act 2005, plus members of the public, in understanding how the Authority will apply its' discretion and use its powers under the Act. It is therefore not considered necessary to greatly change the information contained in the current Gambling policy.

3.7 Additionally, the Government is currently undertaking a review of the Gambling Act 2005 with a view to ensuring that the regulatory framework is fit for purpose, within the digital age, and can continue to meet its aims and objectives referred to in 3.5 above. The Government's review of the Act are to:

- Examine whether changes are needed to the system of gambling regulation in Great Britain to reflect changes to the gambling landscape since 2005, particularly due to technological advances.
- Ensure there is an appropriate balance between consumer freedoms and choice on the other hand, and prevention of harm to vulnerable groups and wider communities on the other.
- Make sure customers are suitably protected whenever and wherever they are gambling, and that there is an equitable approach to the regulation of the online and land based industries.

3.8 A White Paper is expected later this year which may result in legislative changes that will require a further more comprehensive review of the Gambling policy in the near future. This will not avoid the statutory requirement to now review and publish the policy for the next three year period, that will commence on 31 January 2022.

Consultation on the Gambling Policy

- 3.9 Section 349 of the Gambling Act 2005 provides that in preparing a revision of the statement of Gambling policy, the Authority shall consult with:
- The Chief Officer of police for the Authority's area;
 - 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.
- 3.10 The Gambling Commission guidance explains that this is "deliberately wide" as it allows Licensing Authorities to undertake a comprehensive consultation exercise with anyone who may be affected by, or otherwise have an interest in, their Gambling policy. The Guidance further provides that "it is a matter for licensing authorities to develop their own consultation practices, including the methods for consultation and who they consider it necessary to consult with, which might include consultation with relevant local groups, businesses and responsible authorities.
- 3.11 It is proposed that the consultation process should follow a similar format to previous years and as only minimal changes are proposed to the existing Gambling policy, the duration of the consultation will be 12 weeks. This will include:
- Formal notification to the Chief Officer of Police, as specifically required under the Gambling Act 2005;
 - Written notification to
 - Responsible Authorities under the Act, and
 - Local gambling businesses, including their head office where appropriate;
 - Formal consultation via the Local Authority website to allow local residents, community groups, businesses and others to respond;
 - Consultation with other departments in respect of local risk assessments; and
 - Social media and other avenues will be used to publicise the consultation.
- 3.12 The timetable of events planned for the transition of the Statement of Gambling Policy are as follows:-

18 th May 2021	First Draft of Policy to the Licensing and Regulatory Committee
1 st June 2021 – 31 st August 2021	Consultation on Gambling Policy – Send out letters and put on the website.
14 th Sept 2021	Final Draft, results of consultation to the Licensing and Regulatory Committee
4 th Nov 2021	Gambling Policy report to Full Council
End of Nov 2021	Legal Notice in Newspaper
3 rd January 2022	Publication of Gambling Policy
31 st January 2022	Commencement of Gambling Policy

3 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 is 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:

Newport City Council, Blaenau Gwent County Borough Council, Torfaen County Borough Council, Caerphilly County Borough Council.

8. BACKGROUND PAPERS:

- 1. [Monmouthshire County Council's Statement of Gambling Policy 2019](#)
- 2. [Gambling Act 2005](#)
- 3. [The Gambling Act 2005 \(Licensing Authority Policy Statement\) \(England and Wales\) Regulations 2006](#)
- 4. [Gambling Commission Guidance to Local Authorities](#)

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