

# Agenda Item 14

<b>COUNCIL</b>	<b>DATE</b> 20 <sup>th</sup> November 2024
<b>TITLE</b> Adoption of the Council's Statement of Principles 2025-2028 as required under Section 349 of the Gambling Act 2005 including the re-adoption of the Council's no casino policy.	<b>WARDS</b> All
<b>CHIEF OFFICER</b> Dan Jones, Executive Director of Environment, Civic Pride and Climate	<b>CABINET/LEAD MEMBER</b> Councillor Edith Macauley, Chair of the Licensing Committee
<b>DECISION CLASSIFICATION</b> Non-exempt report	<b>IS THE FINAL DECISION ON THE RECOMMENDATIONS IN THIS REPORT TO BE MADE AT THIS MEETING?</b> Yes

## 1. Recommendations:

### That Council:

- A. Adopt the Council's Statement of Principles 2025-2028 as required under Section 349 of the Gambling Act 2005 as approved by Members of the Licensing Committee on 8<sup>th</sup> October 2024 to come into effect on the 31<sup>st</sup> January 2025;
- B. 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 8<sup>th</sup> October 2024, to come into effect on the 31<sup>st</sup> January 2025.

## 2. Purpose of Report and Executive Summary

- 2.1 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.
- 2.3 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 Licensing Committee. Where a resolution is passed it must be published by the Authority in its three-year statement of principles.

## 3. Links to the Merton Priorities (Borough of Sport/Civic Pride/Sustainable Futures)

- 3.1 This Statement of Principles contributes the Council's Strategic priorities and overall vision of "Building a Better Merton Together" as set out in the Council's Corporate Plan for 2022-26.

- 3.2 The Council's Corporate Plan sets out principles and values for Nurturing Civic Pride:
- (a) By nurturing civic pride, we want people to be proud of their local area, feel more connected to their community, and get more involved in making Merton a great place to live, work and visit.
  - (b) Existing businesses will be supported, and new businesses, talent and investment will be attracted to the borough
  - (c) Residents, businesses and visitors will enjoy clean, safe and welcoming places across the borough
  - (d) By 2036 Merton will have embedded health and wellbeing into all aspects of development, from the provision of new homes, access to jobs and services, and the look and feel of our town centres and neighbourhood areas, streets, parks and open spaces."
- 3.3 This Policy aims to 'achieve the right balance' through consideration of the needs of businesses, residents, visitors and other stakeholders, while maintaining a safer community for all. One of the purposes of this Policy is to ensure our residents live healthy, happy and independent lives. Ensuring that everyone benefits from our thriving economy, communities are safe, strong and our vulnerable are protected.

#### 4. **Introduction and Background**

- 4.1 The London Borough of Merton, as the Licensing Authority under the Gambling Act 2005, is required to publish every three years a Statement of Principles, which it must apply when exercising its function under the Act.
- 4.2 This is the seventh Statement of Principles in respect of the Gambling Act; the sixth having been adopted by the Council in 2021.
- 4.3 The next "successive period" starts on 31st January 2025. However, the Statement needs to be adopted by 31st December 2024 as it must be published at least 4 weeks before the date on which it comes into effect on the authority's website and also be available for inspection by the public. In addition, a notice advertising the publication must be placed on the Council's website and on a public notice board in the Town Hall.
- 4.4 The Council first approved a 'no casino' resolution at its meeting on 5th April 2006 and re-stated it in 2009, 2013, 2015, 2018 and 2021.
- 4.5 The Licensing Authority must carry out consultation with a prescribed list of consultees before determining its Statement of Principles under the Gambling Act 2005.

#### 5.0 **CONSULTATION**

- 5.1 Before determining its policy the Authority is required to consult with a number of statutory consultees namely:-
- (a) the chief officer of police for the area;

- (b) one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the area; and
- (c) 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.

However, an Authority may consult more widely if it so wishes.

5.2 The Licensing Authority consulted with the following persons, premises, and organisations:

- The Chief Officer of Police
- The Council's Children Services and Adult Social Care Services
- Trade associations
- Businesses or their representatives involved in gambling
- Ward Councillors and local Members of Parliament
- Faith groups
- Residents Associations
- Voluntary and Community Organisations working with children and vulnerable adults
- Wimbledon Civic Forum
- Advocacy Groups (e.g. Citizens Advice and Trade Unions)
- Responsible Authorities
- Organisations working with people who are problem gamblers
- The Gambling Commission
- Local planning authority
- Environmental Services in its capacity as the body responsible for the prevention of pollution to the environment and protection of public health
- HM Revenue and Custom

5.3 The public consultation on the draft Statement of Principles, including the 'no casino' policy, took place between 12<sup>th</sup> July 2024 and 15<sup>th</sup> September 2024.

5.4 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.

5.5 During the consultation period, the Licensing Authority received seventeen responses to the consultation through the on-line survey.

5.6 The majority of people responding to the consultation were supportive of the proposed Statement of Principles. Except for two respondents, majority supported the retention of the 'no casino policy'.

5.7 Copies of the responses received were presented to Members of the Licensing Committee for their consideration at the meeting held on 8<sup>th</sup> October 2024.

## **6.0 Timetable**

- 6.1 Following adoption by full Council the Statement of Principles 2025-2028 made under the Gambling Act 2005 will be published at least 4 weeks before the 31<sup>st</sup> January 2025 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.

## **7.0 Available Options & Preferred Option**

- 7.1 Option 1: Approve the Statement of Policy and Principles under the Gambling Act 2005 as set out in Appendix A and approve to re-state the no casino resolution.
- 7.2 Option 2: Do nothing. This is not recommended as the Council will have no legal foundation to make decision on applications received under the Gambling Act 2005.

## **8. Preferred Option**

- 8.1 That full Council approve the Statement of Policy and Principles under the Gambling Act 2005 as set out in Appendix A and to approve the re-stating of a 'No Casino' resolution under section 166 of the Gambling Act 2005.

## **9. Reasons for Recommendations**

- 9.1 To ensure compliance with the legal framework governing the Act.

## **10. Consultation Results**

- 10.1 The majority of people responding to the consultation were supportive of the proposed Statement of Principles. Other than two respondents, all who commented supported the retention of the 'no casino policy'.

## **11.0. Next Steps & Timetable: Communication and Implementation of the Decision**

- 11.1 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.
- 11.2 Following adoption by full Council of the Statement of Principles under the Gambling Act, including the 'no casino' resolution, the Statement of Principles 2025-2028 will be published in accordance with the legislation for at least 4 weeks and come into effect on the 31<sup>st</sup> January 2025.

## **12. Report Appendices**

- 12.1 The following documents are to be published with and form part of the report:

- Appendix “A” Draft Statement of Principles under the Gambling Act 2005

### 13. **Background Papers**

#### 13.1 The Gambling Act 2005

[https://www.legislation.gov.uk/ukpga/2005/19/pdfs/ukpga\\_20050019\\_en.pdf](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/guidance/guidance-to-licensing-authorities>

#### 13.3 Existing Statement of Intent under the Gambling Act 2005

[Merton Gambling Policy January 2022 to January 2025 \(merton.gov.uk\)](https://www.merton.gov.uk/merton-gambling-policy-january-2022-to-january-2025)

#### 13.4 On-line consultation responses

### 14.0. **Cross-Cutting Issues and Implications and Sign-Off**

Issue	Implications	Sign-off
<p><b>Legal</b> including Human Rights Act</p>	<p>Section 349 of the Gambling Act 2005 requires the Licensing Authority to prepare and publish a Statement of Licensing Policy every 3 years. The next Statement must be come into effect by the 31<sup>st</sup> December 2024 when the previous policy expires.</p> <p>The Statement of Licensing Policy forms the licensing authority’s mandate for managing local gambling provision and sets out how the licensing authority views the local risk environment and therefore its expectations in relation to operators with premises in the locality.</p> <p>Section 349(3) of the Gambling Act 2005 lists the persons the Licensing Authority is required to consult in preparing its Statement as set out at paragraph 5 of this report.</p> <p>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. If such is not resolved then the Licensing</p>	<p>Guy Bishop Senior Lawyer Litigation and Planning Team 29/10/2024</p>

	<p>Authority will have to consider applications for casinos.</p> <p>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</p>	
<b>Finance</b> and other resources	The acceptance of the recommendation of this report does not give rise to any new financial commitment to the council as the licensing Service is based on cost recovery to deliver the service.	<p>Gina James</p> <p>Service Financial Adviser</p> <p>28/10/2024</p>
<b>Equalities</b>	These are statutory functions and are applied globally.	<p>Caroline Sharkey</p> <p>Licensing Manager</p> <p>22/10/2024</p>
<b>Climate change</b>	The decisions recommended in this paper have a remote or low impact on Merton's Climate Strategy & Action Plan adopted by full Council on 18th November 2020	<p>Caroline Sharkey</p> <p>Licensing Manager</p> <p>22/10/2024</p>
Executive Director	Clearance/Approval of Report	<p>Dan Jones</p> <p>28/10/2024</p>
Cabinet Member/s	Clearance/Approval of Report	<p>Cllr Stringer</p> <p>28/10/2024</p>
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