

**Report of the Cabinet Member for Commercial Opportunities and
Innovation**

Council – 26 October 2017

**Proposal to Pass a New Resolution Not to Issue
Casino Licences and Proposed Amendments to the
Council's Gambling Policy**

Purpose:	<p>i) To consider the outcome of the consultation in respect of a proposal to pass a new resolution not to issue casino premises licences; and proposed amendments to the City and County of Swansea's Statement of Principles (Gambling Policy)</p> <p>ii) To make a decision regarding passing a new resolution not to issue casino premises licences</p>
Policy Framework:	Gambling Policy, January 2016- 2019.
Consultation:	Access to Services, Finance, Legal, existing licence holders, representatives of persons carrying on gambling businesses, statutory bodies, representatives of interested parties and City and County of Swansea Members.
Recommendation(s):	<p>It is recommended that:</p> <ol style="list-style-type: none">1) Council considers the outcome of the consultation in respect of a proposal to pass a new resolution not to issue casino premises licences and proposed amendments to the City and County of Swansea's Statement of Principles (Gambling Policy).2) Council takes into account the matters identified in paragraph 4 of the report and agrees to pass a new resolution not to issue casino premises licences;3) If Council agrees to pass a new resolution not to issue casino premises licences: Council agrees the proposed amendments to the Gambling Policy for publication and specifies the date of the 6 December 2017 as the date on which the resolution takes effect.
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1. Introduction

- 1.1 On the 4th November 2014, Council agreed to pass a resolution not to issue casino licences (A No Casino Resolution) and also agreed amendments to the Council's Gambling policy (the Policy) in respect of the resolution. The resolution came into effect on the 5th December 2014 as the resolution cannot take effect until 4 weeks after the date following the date of the Council decision.
- 1.2 The decision to pass the resolution was based on the Council's priorities and commitments to improving the wellbeing of people in Swansea, in particular addressing poverty and the impact of poverty on its communities, research which suggests that casinos are associated with higher bankruptcy rates in their localities and the increased likelihood of a person becoming a problem gambler, the links between problem gambling and the negative impact on communities and also the promotion of the licensing objective "*Protecting children and other vulnerable persons from being harmed or exploited by gambling*".
- 1.3 A resolution needs to be passed every 3 years to keep the Policy in place. The current resolution expires on 5th December 2017 and Council needs to pass a new resolution by the 4th November 2017 for the resolution to be in place on 6th December 2017.

2.0 A No Casino Resolution

- 2.1 The Gambling Act 2005 (the Act) allows a licensing authority to pass a No Casino Resolution and to specify the date on which the resolution takes effect. This decision must be taken by Council and must be published in the Policy.
- 2.2 The resolution must specify the date it comes into effect and it may also be revoked by passing a further resolution, subject to further consultation.
- 2.3 A No Casino Resolution will only affect new casinos. It will not have any effect on casino premises that were originally licensed under the Gaming Act 1968, casino premises licences issued before the resolution takes effect.
- 2.4 There are 4 casino licences in force in Swansea. These licences relate to premises that were previously licensed under the Gaming Act 1968. Only one of the premises licensed is currently operating as a casino.
- 2.5 The Authority was awarded the power to grant a new small casino premises licence on the 19th May 2008. Passing the resolution will affect the issue of this premises licence as the Authority will not be able to grant the licence whilst the resolution is in force.

3.0 Considerations when passing a No Casino Resolution

3.1 In making the decision to pass a No Casino Resolution, the Authority may take into account any principle or matter and not just the licensing objectives. The licensing objectives in respect of the Gambling Act 2005 are:

- 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;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

3.2 The basis for Council's decision to pass a No Casino Resolution in November 2014 is attached at Appendix A to the report.

4.0 Current Considerations

4.1 Tackling poverty remains one of the five key priorities for the City and County of Swansea.

4.2 Swansea continues to have an above average level of deprivation, with 18 (12%) of its 148 Lower Super Output Areas (LSOAs) now ranked in the top 10% most deprived in Wales, as measured by the Wales Index of Multiple Deprivation 2014. This has increased slightly from 17 in 2011 to 18 in 2014, although remains at 12%. In terms of the overall index, the most deprived LSOAs in Swansea are in Townhill, Penderry, Castle, Morriston, Bonymaen, St Thomas and Mynyddbach.

4.3 Previous research has shown that disadvantaged social groups who experience poverty, unemployment, dependence on welfare, and low levels of education and household income are most likely to suffer the adverse consequences of increased gambling. Problem gambling can lead to debt, divorce, crime, depression and also suicide, all of which can have a negative impact on communities, particularly those already experiencing the stresses of life on a low income.

4.4 It is also considered that licensing objective 3, "Protecting children and other vulnerable persons from being harmed or exploited by gambling" remains relevant in this case. The term "vulnerable persons" is not defined but the statutory guidance produced by the Gambling Commission states that for regulatory purposes it must be assumed that this group includes people who gamble more than they want to, people who gamble beyond their means and people who are unable to make informed or balanced decisions about gambling.

5.0 Proposal to Pass a New No Casino Resolution

5.1 On the 19th September 2017 a report was considered by the Director of Place seeking agreement for the Council's intention to pass a new resolution not to issue casino licences and minor amendments to the relevant dates contained with the Policy, to be issued for consultation.

5.2 The Director agreed that the Council's intention to pass a new resolution, not to issue casino licences and the associated amendments to the Policy, could be issued for consultation with the results being reported to Council for decision.

6.0 Consultation

6.1 Consultation was undertaken involving existing licence holders, representatives of persons carrying on gambling businesses, statutory bodies, representatives of interested parties and City and County of Swansea Members.

6.2 The consultation period ended on the 3rd October 2017 and three responses were received. The responses were from Councillor Mike Durke, Councillor Cyril Anderson and William Parry, Parry & Co Solicitors. Copies of the responses are attached at Appendix B

7.0 The responses

7.1 The responses received from Councillor Mike Durke and Councillor Cyril Anderson confirm support for the Council's intention to pass a new resolution not to issue casino licences.

7.2 The response received from William Parry, Parry and Co Solicitors states that if a casino was opened and operated properly in compliance with the many regulatory controls which govern such premises, they fail to see why the Council should oppose or restrict such an operation.

8. Officer Observations

8.1 Officers have considered the observations received and in relation to the comments received from William Parry, Parry & Co Solicitors, whilst it is acknowledged that casino premises can be regulated in accordance with the relevant regulatory controls, it is considered that the matters identified in paragraph 4 of the report remain relevant and support the Council's proposal to pass a new resolution not to issue casino licences.

9.0 Proposed Changes to the Policy

9.1 The proposed changes to the Policy relate to the dates only and are identified in paragraph 18.1, in bold italic type in the extract of the policy relating to casinos which is attached at Appendix C

10.0 Equality and Engagement Implications

10.1 An Equalities Impact Assessment Screening Form has been completed with the agreed outcome that a full Equalities Impact Assessment report is not required.

11.0 Financial Implications

11.1 Acceptance of the proposed amendment would mean the City foregoing the possibility of potential financial benefits from the development of a Casino for up to the next three years, although there appears to be a lack of interest from potential casino operators.

12.0 Legal Implications

- 12.1 The Authority's original submission of a bid to the Government's Casino Advisory Panel for the Licence was subject to a willingness to licence and the Authority made representations to demonstrate its commitment to licence if it was awarded the power to grant a large/small licence.
- 12.2 Authorities unable to demonstrate a willingness to commit to the grant of a licence were not considered.
- 12.3 At this time there is no deadline imposed for granting the Licence.
- 12.4 A no casino resolution is a non- executive function and cannot be delegated therefore it has to be passed by full Council .The resolution must be published in the Policy before being given effect.

Background Papers: Report to the Director of Place,19 September 2017, Agreement for the Proposal to Pass a Further Resolution not to Issue Casino Licences and Associated Policy Amendments to be Issued for Consultation

Appendices:

- Appendix A The basis for Council's decision to pass a No Casino Resolution in November 2014
- Appendix B Consultation Responses
- Appendix C Proposed Changes to the Gambling Policy