

MIDDLESBROUGH COUNCIL	
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Report of:	Director of Environment and Community Services – Geoff Field
Relevant Executive Member:	Executive Member for Environment and Community Services – Cllr Ian Blades
Submitted to:	Council
Date:	9 July 2025
Title:	Approval for consultation on the Council's Draft Statement of Gambling Policy 2026-2029.
Report for:	Decision
Status:	Public
Council Plan priority:	Safe and resilient communities
Key decision:	Yes
Why:	Decision(s) will have a significant impact in two or more wards
Subject to call in?:	Not applicable
Why:	The matter is a decision for Council and not subject to call in.

Proposed decision(s)
That Council approves consultation be undertaken on the draft Statement of Gambling Policy 2026 – 2029 (Appendix 1) with Cleveland Police and persons who officers consider represent the interests of those carrying out gambling businesses and those likely to be affected by gambling activities in the area.

Executive summary
<p>This report seeks Council approval for a period of consultation to be undertaken on the draft Statement of Gambling Policy 2026-2029 (Appendix 1) to this report. The report sets out the proposed changes to the Statement of Gambling Policy.</p> <p>The Council is required to have a three-year policy statement setting out the principles that it proposes to apply in exercising its functions under the Gambling Act 2005 (“the Act”) (s349). In preparing its Statement of Gambling Policy, the Council is required to consult the Police and persons who represent the interests of those carrying on gambling businesses and those who are likely to be affected by gambling activities in its area. After the period of consultation of 8 weeks the outcome will be reported to Council for a decision whether to approve the final version of the Statement of Gambling Policy 2026 – 2029.</p>

The Statement of Gambling Policy is required to be in place as soon as practicable to ensure compliance and to assess applications and other processes under the Act.

The Statement of Gambling Policy also contains the policy and principles in relation to the application process and issuing of a large casino licence. Under the Act, only 8 large casino premises licences are permitted in England. Middlesbrough was one of the authorities awarded the ability to issue a large casino licence by Order (The Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008). Under the Act, this enables the Council to hold a competition for a large casino premises licence to determine which application would provide the greatest benefit to Middlesbrough. In 2012 following a competition, a provisional statement was awarded to Gurney Casinos Ltd, however, the proposed casino was not developed and a large casino premises licence had not been granted.

The implications of the recommendation have been considered by the appropriate officers of the Council and are set out in the main body of the report.

1. Purpose of this report and its contribution to the achievement of the Council Plan ambitions

- 1.1 To seek Council approval for consultation to be undertaken on the Draft Statement of Gambling Policy 2026-2029.

Our ambitions	Summary of how this report will support delivery of these ambitions and the underpinning aims
A successful and ambitious town	This Policy will ensure that gambling premises operate in a legal and responsible manner.
A healthy Place	This Policy will ensure that gambling premises operate in such a manner that vulnerable people are not put at risk. Gambling legislation operates under the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. Since April 2016 there has been a requirement for all gambling premises operators to carry out a local area risk assessment to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises, and have policies, procedures and control measures to mitigate those risks.
Safe and resilient communities	The gambling legislation operates under an objective of preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.
Delivering best value	The annual fee levels paid by licensed gambling premises are set by the Secretary of State to provide for full cost recovery of all licensing functions including the preparation and publication of the Statement of Gambling Policy.

2. Recommendations

- 2.1 Council That Council approves consultation be undertaken on the draft Statement of Gambling Policy 2026 – 2029 (Appendix 1) with Cleveland Police and persons who officers consider represent the interests of those carrying out gambling businesses and those likely to be affected by gambling activities in the area.

3. Rationale for the recommended decision(s)

- 3.1 The Council is required to have a three-year policy statement setting out the principles that it proposes to apply in exercising its functions under the Act (S349). In preparing its policy statement the Council is required to consult the Police and persons who represent the interests of those carrying on gambling businesses and those who are likely to be affected by gambling activities in its area. After the period of consultation, being at least 8 weeks the outcome will be reported to Council for a decision whether to approve the final version of the Statement of Gambling Policy 2026 – 2029. The Statement of Gambling Policy is required to be in place as soon as practicable to ensure compliance and to assess applications and other processes under the Act.

- 3.2 It is a statutory requirement to have in place a Statement of Gambling Policy and to carry out a consultation process. A decision not to proceed to consultation would put the Council at risk of falling outside of the requirements of the Act. The Act (S154) specifically prohibits Council from delegating its functions in relation to its Statement of Gambling Policy.
- 3.3 Under the Act, only 8 large casino premises licences are permitted in England. Middlesbrough was one of the authorities awarded the ability to issue a large casino licence by Order (The Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008). Under the Act, this enables the Council to hold a competition for a large casino premises licence to determine which application would provide the greatest benefit to Middlesbrough. In 2012 following a competition, a provisional statement was awarded to Gurney Casinos Ltd, however, the proposed casino was not developed and a large casino premises licence had not been granted. The general principles, the application process and principles for selection for the large casino licence are detailed at Appendix F and Appendix G to the draft Policy. If the Council wish to do so, they can choose to launch a further competition for a large casino licence. There are currently no plans to do so however, should circumstances change in the future, the Council currently retains the ability to recommence the competition process.

4. Background and relevant information

- 4.1 The Act gives powers and responsibilities to licensing authorities to issue licences for gambling premises. This legislation came into full effect on September 2007 and effectively modernised gambling legislation, providing an improved structure for gambling regulation.
- 4.2 The Act also created a new independent regulatory body; The Gambling Commission. The Gambling Commission regulates operators and deals with national gambling issues.
- 4.3 The Act contains three licensing objectives underpinning the function that the Gambling Commission and local authorities will perform. The objectives 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; and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 4.4 The Act provides for three types of licences:
- Operating and Personal licences which are issued by the Gambling Commission.
 - Premises Licences which are issued by the Council and they authorise the provision of gambling facilities on certain premises including casino premises, bingo premises, betting premises, adult gaming centres and family entertainment centres. Councils may attach conditions to premises licences.

- 4.5 The Council as a licensing authority is required to prepare and publish a Gambling Act 2005: Licensing Policy Statement of Principles that it proposes to apply in exercising its functions under the Act.
- 4.6 The Licensing Authority is required to keep their Statement of Gambling Policy under review and is required as a minimum to review it every three years, or sooner if the authority considers it to be necessary. The Council has not had a Statement of Gambling Policy in place since Jan 2022. The review of the policy was primarily delayed due to the Covid-19 pandemic and ongoing discussion in relation to the casino developments. The legislation provides a robust framework for the administration of the Gambling Act 2005 and decisions can and have still be made.
- 4.7 The Licensing Policy has two important functions:
- It provides the foundation for decisions made by the Licensing Authority and Licensing Committee
 - It provides guidance and direction to prospective applicants for licences in Middlesbrough.

Licensed Premises and other permits issued under The Gambling Act 2005

- 4.8 The table below shows the numbers and type of licensed premises/permits in Middlesbrough.

Provisional Large Casino	1
Casino (Gambling Act 1968)	1
Betting Premises	29
Track Betting	1
Bingo Premises	2
Adult Gaming Centre	8
Family Entertainment Centre	1
Club Gaming Machine Permit	24
Alcohol Licensed Premises Gaming Machine Permit	19
Licensed Premises Gaming Machine Notification	64
Small Society Lotteries	42

- 4.9 Since Jan 2019 there have been 6 new licences issued or processed for gambling premises in Middlesbrough:
- 3 adult gaming centres

- 1 family entertainment centre
- 1 betting premises
- 1 relocation of a 1968 casino licence

4.10 A draft amended Policy has been prepared by Officers for consultation. This is based on the previous 2019-2022 policy. There are no significant amendments proposed to the draft Policy other than updated statistics from the Gambling Commissions Gambling Participation Survey 2023 and the proposed change to the Large Casino: Principles for Selection and Application Process.

4.11 Middlesbrough's Large Casino licence

The general principles, the application process and principles for selection for the large casino licence are detailed at Appendix F and Appendix G to the draft Policy. On 15 May 2008 the Categories of Casino Regulations 2008 and the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 were approved. This specified which Licensing Authorities could issue large and small casino licences. Middlesbrough Borough Council, having previously submitted a proposal to the Casino Advisory Panel for a regional or large casino licence, was approved as one of the authorities permitted to issue a large casino premises licence.

4.12 In developing a large casino for Middlesbrough there were expected significant benefits in relation to employment, local businesses, regeneration in terms of physical, strategic, community and non-gaming, and financial contributions. The approval process for a large casino is a two-stage process. On 4 April 2011, following a competition inviting applications for the large casino licence, Middlesbrough Council's Licensing Committee considered 2 applications for a provisional statement which were received as a result of the invitation. Both applications were approved at stage 1. One of these applications was subsequently withdrawn.

4.13 On 30 May 2012, Middlesbrough Council's Licensing Committee granted a provisional statement to Gurney Casinos LTD. A full casino licence is granted when the details of the development are finalised. In terms of benefits the applicant proposed that Gurney House would be developed into a casino and hotel complex. In the last 12 years there has been no movement to progress the provisional statement to a full licence. The provisional statement holders have stated that they still intend to do this, however they have not given any indication of the timescale. It is unlikely that the provisional statement can be progressed to a large casino licence as the proposed scheme is unable to be developed in line with the original plan submitted with the application.

4.14 On this basis, it is considered if the Council wish to do so, they can choose to launch a further competition for a large casino licence. There are currently no plans to do so however, should circumstances change in the future, the Council currently retains the ability to recommence the competition process.

4.15 There is one proposed change to Appendix F which is in relation to the preferred location for the large casino, should the Council choose to launch a large casino competition in the future. The previous Principles referred to the town centre in general terms as the preferred location. The following amended wording is proposed:

“The Licensing Authority considers that a large casino in the town centre area particularly the area identified for development as a leisure hub being Captain Cook’s Square or near to or adjacent to that area is likely to bring the greatest benefit to the town.

Should the preferred location or the Council’s development proposals change prior to the competition being launched the Director of Regeneration and Culture, in consultation with the Head of Public Protection (or any successor role) has the authority to identify any preferred location which is considered to bring the greatest benefit. Any change in the preferred location will be set out in the application pack.

Notwithstanding the preferred location, it is acknowledged that applicants are entitled to submit an application for any site within Middlesbrough and all applications will be judged on their merits.”

4.16 No Casino Resolution.

There is provision within the Act for Council to pass a No Casino Resolution which would prohibit issuing any new casino licences. The decision to pass such a resolution may only be taken by Council. When deciding to pass a resolution the authority can consider any principle or matter, not just the licensing objectives. If such a resolution is passed, it must be published by the authority in its Statement of Gambling Policy. Any proposal for a No Casino Resolution must be consulted on.

4.17 A No Casino Resolution does not apply to any existing casino licences issued under the Gaming Act 1968. In Middlesbrough, there is one licence issued under the Gaming Act 1968 legislation which applies to a premises at 20-22 Newport Road.

4.18 A No Casino Resolution also does not apply to any casino premises licence or Provisional Statement issued under Gambling Act 2005 before a resolution is passed. However, in relation to Middlesbrough and as stated above in paragraph 4.13, it is unlikely that the Provisional Statement issued for the large casino licence is able to be developed.

4.19 Under the previous administration the Government produced a White Paper setting how they wanted gambling regulation to change. They considered reallocation of small and large casino licences where they had not been developed. Since the new government has been in place we have not received any further information on their intention to reallocate licences.

Consultation

4.20 An eight week period of consultation is proposed with those who may be affected by or otherwise have an interest in the Statement of Gambling Policy 2026-2029, in accordance with the statutory requirements. Details of the consultees are shown in Appendix B to the Policy. After the period of consultation a further report will be brought to Council detailing the responses, any amendments made to the Policy and presenting the final draft Licensing Policy for approval.

5. Ward Member Engagement if relevant and appropriate

- 5.1 Gambling premises are located across the whole area of the town and a briefing is to be carried out with all ward members.

6. Other potential alternative(s) and why these have not been recommended

- 6.1 The Act requires Licensing Authorities to review and publish their Statement of Gambling Policy every 3 years. It is a legal requirement to have a Statement of Gambling Policy in place and whilst the authority has not had a policy since Jan 2022 no legal difficulties have arisen.

7. Impact(s) of the recommended decision(s)

- 7.1 The impact of this decision is to ensure that Middlesbrough Council is compliant with the statutory requirement to have a Statement of Gambling Policy in place and to be able to consider the option of developing a large casino in the future.

Topic	Impact
Financial (including procurement and Social Value)	There are no financial implications for the consultation and review of the Gambling Policy. The annual fee levels paid by licensed gambling premises are set by the Secretary of State, with no local input, to provide for full cost recovery of all licensing functions including the preparation and publication of the Statement of Gambling Policy.
Legal	<p>The Gambling Act 2005, section 349 requires the Council to have a statement of principles that it proposes to apply in exercising its functions under the Act which is required to be published. This is known as the Statement of Gambling Policy. That Policy is required to be reviewed at least every three years and the Council must consult the Police, and persons representing the interests of those carrying on gambling businesses and those likely to be affected by gambling activities in Middlesbrough. The decision to approve the Policy is a Council decision and cannot be further delegated under the Act.</p> <p>The Council is under a legal duty to formally approve the adoption of its Statement of Gambling Policy. The policy is required to be reviewed every 3 years. A decision by full Council to approve a new policy will remedy the current position of being without a policy.</p>
Risk	<p>By approving consultation on the draft Statement of Gambling Policy, Council will be enabling the period of consultation to be undertaken, working towards the full adoption of the Statement of Gambling Policy which is a legal requirement for the authority to have in place.</p> <p>Whilst there is currently no Statement of Gambling Policy in place the legislation provides a robust framework for the</p>

	<p>administration of the Gambling Act 2005 and decisions can and have still be made. In determining applications the Licensing Authority should consider the legislation contained in the Gambling Act 2005, Statutory Guidance and Codes of Practice issued by The Gambling Commission whether applications are reasonably consistent with the licensing objectives and in accordance with the Policy (which is not currently in place).</p> <p>The Statement of Gambling Policy forms part of the Council's policy framework.</p> <p>The Statement of Gambling Policy is a requirement of the Gambling Act 2005 to support the Council in assessing applications and other processes under this legislation.</p>
Human Rights, Public Sector Equality Duty and Community Cohesion	Protected groups will not be adversely affected by the decision. An initial Impact Assessment has been carried out and no negative or adverse impacts have been identified.
Reducing Poverty	<p>The Statement of Gambling Policy sets out how applicants can support the following objectives:</p> <ul style="list-style-type: none"> • 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.
Climate Change / Environmental	There are no climate change or environmental issues in relation to this report.
Children and Young People Cared for by the Authority and Care Leavers	One of the objectives of the set out in the Gambling Act relates to "Protecting children and other vulnerable persons from being harmed or exploited by gambling." This objective underpins the Statement of Gambling Policy and those premises which are licensed under the Act
Data Protection	This proposed decision does not involve the collation and use of personal data.

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
<i>An eight week period of consultation will be undertaken. The responses will be considered and</i>	<i>Judith Hedgley</i>	<i>12 weeks from the date of the Council meeting</i>

<i>amendments made to the policy as necessary. The outcome of the consultation and final draft Statement of Gambling Policy will be brought to a subsequent Council meeting.</i>		
Approval by Council.	Judith Hedgley	24 weeks from the above Council meeting

Appendices

1	Appendix 1, Statement of Gambling Policy 2026-29.
2	
3	

Background papers

Body	Report title	Date

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