



Licensing Committee

Date: WEDNESDAY, 4 JULY 2018

Time: 1.45 pm

Venue: COMMITTEE ROOM - 2ND FLOOR WEST WING, GUILDHALL

Members:

Peter Dunphy (Chairman)	Michael Hudson
Sophie Anne Fernandes (Deputy Chairman)	Deputy Jamie Ingham Clark
Caroline Addy	Shravan Joshi
Deputy Keith Bottomley	Andrien Meyers
Mary Durcan	Graham Packham
Emma Edhem	Judith Pleasance
Deputy Kevin Everett	James Tumbridge
Marianne Fredericks	

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Lunch will be served for Members in the Guildhall Club at 1pm
NB: Part of this meeting could be the subject of audio or video recording

John Barradell
Town Clerk and Chief Executive

AGENDA

1. **APOLOGIES**
2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**
3. **PUBLIC MINUTES**
To agree the public minutes of the meeting held on 25 April 2018.

For Decision
(Pages 1 - 6)
4. **LICENSING HEARINGS (SUB)**
 - a) **Merchant House – 28 June 2018 (Minutes To Follow)**
 - b) **Enoteca – Cancelled**
 - c) **Gremio de London Ltd – Hearing adjourned and rearranged for 24 July 2018.**
The Chairman to provide a verbal update.

For Information
5. **APPEALS AGAINST LICENSING (HEARING) SUB COMMITTEE DECISIONS**
The Comptroller and City Solicitor to be heard.

For Information
6. **DELEGATED DECISIONS OF THE DIRECTOR OF MARKETS AND CONSUMER PROTECTION PERTAINING TO PREMISES LICENCES**
Report of the Director of Markets and Consumer Protection.

*There is a non-public appendix at Item No.14.

For Information
(Pages 7 - 22)
7. **GAMBLING ACT 2005: REVIEW OF STATEMENT OF LICENSING PRINCIPLES**
Report of the Director of Markets and Consumer Protection.

For Decision
(Pages 23 - 100)
8. **LICENSING BUSINESS PLAN 2017-2020**
Report of the Director of Markets and Consumer Protection.

For Information
(Pages 101 - 108)

9. **VIOLENT CRIME FROM LICENSED PREMISES**
Report of the City of London Police.

For Information
(Pages 109 - 110)

10. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
11. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**
12. **EXCLUSION OF THE PUBLIC**

MOTION - That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act.

13. **NON-PUBLIC MINUTES**
To agree the non-public minutes of the meeting held on 25 April 2018.

For Decision
(Pages 111 - 114)

14. **DELEGATED DECISIONS OF THE DIRECTOR OF MARKETS AND CONSUMER PROTECTION PERTAINING TO PREMISES LICENCES - NON-PUBLIC APPENDIX**
Non-public appendix to be read in conjunction with Item No.6.

For Information
(Pages 115 - 116)

15. **NON-PUBLIC QUESTIONS RELATING TO THE WORK OF THE COMMITTEE**
16. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREE SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

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LICENSING COMMITTEE

Wednesday, 25 April 2018

Minutes of the meeting of the Licensing Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Wednesday, 25 April 2018 at 1.45 pm

Present

Members:

Peter Dunphy (Chairman)	Christopher Hayward
Sophie Anne Fernandes (Deputy Chairman)	Michael Hudson
Caroline Addy	Deputy Jamie Ingham Clark
Deputy Keith Bottomley	Shravan Joshi
Mary Durcan	Deputy Edward Lord
Emma Edhem	Andrien Meyers
Marianne Fredericks	Judith Pleasance

Officers:

Leanne Murphy	-	Town Clerk's Department
Alistair MacLellan	-	Town Clerk's Department
Andrew Buckingham	-	Town Clerk's Department
Jenny Pitcairn	-	Chamberlain's Department
Rachel Pye	-	Markets & Consumer Protection
Paul Chadha	-	Comptroller & City Solicitor's Department
David Smith	-	Director of Markets & Consumer Protection
Jon Averbs	-	Markets & Consumer Protection
Peter Davenport	-	Markets & Consumer Protection
Daniel White	-	City of London Police

1. APOLOGIES

Apologies were received from Deputy Kevin Everett, Graham Packham and James Tumbridge.

2. MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA

There were no declarations.

3. ORDER OF THE COURT OF COMMON COUNCIL - TO FOLLOW

The Order of the Court of Common Council dated 19 April 2018 appointing the Committee for the ensuing year was received.

4. ELECTION OF CHAIRMAN

An election of Chairman was conducted in line with Standing Order 29. Peter Dunphy, being the only Member indicating a willingness to serve, was elected Chairman for the ensuing year.

5. **ELECTION OF DEPUTY CHAIRMAN**

An election of Deputy Chairman was conducted in line with Standing Order 30. Sophie Anne Fernandes, being the only Member indicating a willingness to serve, was elected Deputy Chairman for the ensuing year.

6. **APPOINTMENT OF SUB COMMITTEE CHAIRMEN AND REFERENCE SUB COMMITTEE**

The Committee proceeded to appoint four Licensing (Hearing) Sub Committee Chairmen for the ensuing year, in addition to the current Chairman and Deputy Chairman and Past Grand Committee Chairmen.

The following four Members declared a willingness to serve on the Reference Sub Committee and to serve as Sub Committee Chairmen: Deputy Jamie Ingham Clark, Michael Hudson, Deputy Keith Bottomley and Caroline Addy.

RESOLVED – That the Licensing (Hearing) Sub Committee Chairmen and the Reference Sub Committee for 2018/19 comprise of the following Members:

- Peter Dunphy (Chairman)
- Sophie Fernandes (Deputy Chairman)
- Kevin Everett (Past Grand Committee Chairman)
- Marianne Fredericks (Past Grand Committee Chairman)
- Michael Hudson
- Deputy Jamie Ingham-Clark
- Deputy Keith Bottomley
- Caroline Addy

7. **PUBLIC MINUTES**

The public minutes of the meeting held on 7 February 2018 were approved as a correct record.

Matters arising

The Port Health & Public Protection Director advised Members that a resolution regarding a dedicated inbox for Members and/or members of the public was brought to the Policy & Resources Committee for consideration as recommended at the last meeting (see item 12 of the minutes). An out of hours service will be addressed once the relocation of the City Police has completed.

8. **MINUTES OF LICENSING HEARING (SUB)**

8.1 **Benk & Bo Bakery Ltd - To Follow**

The Committee were advised that the public minutes and decision notice of the hearing regarding the licensing application for 'Benk & Bo Bakery Ltd', 4-6 Gravel Lane, London, E1 7AW held on 20 April 2018 had not yet been finalised and would be circulated in due course.

The Chairman explained that the application was approved and that earlier hours plus no alcohol on Sunday were agreed as a compromise between the Applicant and Objectors providing a content outcome.

The Town Clerk noted that the planned hearing for 'Oyster Shed' on 27 April 2018 had been cancelled that morning as the Applicant had withdrawn their application.

9. FINAL DEPARTMENTAL BUSINESS PLAN 2018/19 - MARKETS & CONSUMER PROTECTION

The Committee considered a report of the Director of Markets and Consumer Protection presenting the final 2018/19 Business Plan for the Department of Markets and Consumer Protection.

Members were advised that this was a high-level business plan and that licensing reference items were mainly limited to pages 11 and 12. In response to a question regarding what the objectives were, Members were advised that there was a subsequent plan which sits underneath the 2018/19 Business Plan providing detailed targets.

10. DELEGATED DECISIONS OF THE DIRECTOR OF MARKETS AND CONSUMER PROTECTION PERTAINING TO PREMISES LICENCES

The Committee received a report of the Director of Markets and Consumer Protection detailing the premises licences, and variations to premises licences, granted under the Licensing Act 2003 by the Licensing Service from 1 January 2018 to 31 March 2018.

In response to a query regarding inconsistencies in format in Appendix 1 on comments concerning "CCTV system" on pages 18, 20 and 21, Members were advised that the Applicant had used this wording in the proposal conditions in their original application. It was noted that there was an issue with just approving proposals when happy in the first instance rather than setting conditions.

11. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

There was one question regarding the recent London Marathon event. A Member highlighted the detrimental effect of overcrowding to residents, the Police and members of the public at Trinity Square where a band performs each year. The traditionally family friendly atmosphere had been damaged by people arriving with large quantities of alcohol and poor behaviour had meant the City and Met Police were constantly needed in this area. It was noted that the residents of Trinity Square commended City Police for how they handled the day but the huge amount of mess was concerning and the Member felt that feedback to the organisers was required and potentially a change of times to the area. The Chairman stated that the Committee were restricted only to licensing issues. It was noted that planning for this event comes through the Streets and Walkways Committee and they should be notified of safety concerns.

12. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**
Supplementary item - Violent Crime from Licensed Premises

The Committee considered a report of the City of London Police regarding violent crime from licensed premises during the period 7 January to 7 April.

A Member was pleased that this report showed provided figured but felt that trends giving a year on year comparison would be beneficial.

Licensing training

The Chairman advised that based on responses from Members, the most suitable date for a full day certificated licensing training course was 1 June 2018 and full details on the course would be circulated to the Committee by the Town Clerk. Members were encouraged to advise the Town Clerk if they wished to attend this course or if one-on-one training would be required on an alternative date.

In response to a query, Members were advised that new licensing guidance had come into effect as of April 2018 which must be followed. This would be covered in the training course and the new guidance circulated to Members for their information.

Ongoing agenda items

It was noted that the Comptroller and City Solicitor previously had an ongoing verbal update item on the agenda relating to appeals and that this should remain on every agenda.

13. **EXCLUSION OF THE PUBLIC**

RESOLVED – That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A of the Local Government Act.

14. **NON-PUBLIC MINUTES**

The non-public minutes of the meeting held on 7 February 2018 were approved as a correct record.

15. **NON-PUBLIC QUESTIONS RELATING TO THE WORK OF THE COMMITTEE**

There were no questions.

16. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREE SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

There were two non-public items of urgent business.

The meeting ended at 2.58 pm

Chairman

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Committee(s)	Dated:
Licensing	4 July 2018
Subject: Delegated decisions of the Director of Markets and Consumer Protection pertaining to premises licences.	Public
Report of: Director of Markets and Consumer Protection	For Information
Report author: Robert Breese - Licensing	

Summary

This report details the premises licences, and variations to premises licences, granted under the Licensing Act 2003 by the Licensing Service from **1 April 2018 to 25 June 2018**. It does not include any premises where Members have been involved in the decision making process i.e. decisions made at licensing sub-committee hearings.

The report gives a summary of the enforcement action taken under the Licensing Act 2003 between **1 April 2018 to 25 June 2018**. This report also presents data from the 'traffic light' risk scheme introduced within the City of London on 1 April 2013. The data covers the period **December 2017 to May 2018**.

Recommendation(s)

Members are asked to:

Note the report

Main Report

1. Pursuant to the instructions from your committee, I attach for your information lists detailing 'premises licence' applications (Appendix I) and variations (Appendix II) granted by the Licensing Service between 1 April 2018 to 25 June 2018. Each of these appendices contain details of any conditions attached to the premises licences.
2. The report also contains information appertaining to the number of personal licences issued. This information is also contained in Appendix II.
3. Any questions of detail concerning premises licences can be obtained from the Corporation's public register which can be found on:

<http://www.cityoflondon.gov.uk/business/licensing/alcohol-and-entertainment/Pages/Search-the-public-register.aspx>.

or by contacting Peter Davenport, Licensing Manager, on extension 3257 or by email to the Licensing Team at licensing@cityoflondon.gov.uk.

4. This report also outlines the enforcement activity of the Licensing Service in relation to premises with a licence granted under the Licensing Act 2003 (Appendix III). The table in Appendix III shows the number of visits undertaken, number of complaints received and the number of enforcement actions taken. Enforcement actions include warning letters, notices, simple cautions, legal proceedings etc.
5. Appendix III provides data from 1 April 2018 to 25 June 2018.
6. Licensing Officers undertake routine enforcement visits checking on premises licence conditions where there are concerns, e.g. closing times, compliance with Temporary Event Notices and managing numbers of people consuming alcohol outside venues, and also in response to complaints. The Departmental Policy Statement on Enforcement is followed prior to escalating action and taking legal proceedings.
7. The Departmental Policy Statement on Enforcement conforms to the Regulators' Compliance Code and the regulatory principles required under the Legislative and Regulatory Reform Act 2006. It sets out the general principles and approach which Officers are expected to follow and addresses issues of proportionality, consistency, targeting, transparency and accountability.
8. More widely, enforcement arrangements are currently coordinated at the Licensing Liaison Partnership meetings that are held monthly and are attended by representatives from all enforcement agencies. Joint visits are organised via this forum and subsequent reports are used to add to the top level premises list that comprises those premises that have accrued the most points under the 'traffic light' risk scheme. These are then targeted by relevant enforcement officers.
9. This report details data produced from the 'traffic light' risk scheme for the period of December 2017 to May 2018. Six premises have a sufficient number of points to be classified as 'red' and seven premises have sufficient points to be classified as 'Amber'. Further details can be seen in Appendix IV.
10. There is a very good working relationship between the Port Health & Public Protection (PH&PP) Licensing Team, The City of London Police Licensing Team and the PH&PP Pollution Control Team, all of whom are based at Walbrook Wharf.
11. The Memorandum of Understanding (MoU) between the City of London Police and the Markets and Consumer Protection Department agreed in November 2011 outlines specific arrangements for cooperation between the Licensing Teams.
12. The other City Corporation Department that is routinely involved in enforcement is the Department of the Built Environment (DoBE). Where it appears that a material change of use has occurred, or there is a failure to comply with any condition attached to a planning permission or a breach of planning controls,

when it is expedient to do so, officers from this Department seek authorisation to take the appropriate enforcement action.

13. Any complaints about licensed premises are dealt with by the relevant agency/team, e.g. crime and disorder – Police, fire safety – London Fire Brigade. As far as PH&PP are concerned, complaints relating to the conditions on a licence will be dealt with in the first instance by the Licensing Team, but if there are noise issues the Pollution Team will also be involved.
14. Investigations are undertaken and if there are grounds for a review of the licence in relation to the licensing objectives, then the responsible authorities can apply accordingly. In practice, potential applications are considered at the Licensing Liaison Partnership meetings, and agencies/authorities support one another in providing evidence and making applications.

Implications

15. There are no financial, legal or strategic implications that arise from this report.

Appendices

- Appendix 1 – New Licence Applications issued between 1 April 2018 to 25 June 2018
- Appendix 2 – Applications to vary a licence issued between 1 April 2018 to 25 June 2018
- Appendix 3 - Enforcement Action carried out between 1 April 2018 to 25 June 2018 (Including complaints received)
- Appendix 4(Non-Public) – Premises reaching red and amber on the risk scheme between December 2017 and May 2018.

Background Papers

None

Robert Breese

Licensing Officer

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Appendix I

New Licence Applications Issued by way of Delegated Authority (1 April 2018 – 25 June 2018)

Name	Address	Ward	Details
Eataly	Unit 1, 135 Bishopsgate	Bishopsgate	A, L 00:00
Empanada	83 Middlesex Street	Portsoken	A 23:00
Bevis Marks Synagogue	Bevis Marks	Aldgate	A 22:00
10 Trinity Square	Apartments 401-609, Floors Four, Five, Six and Seven	Tower	A, L, (b), (c), (e), (f), (g) 24 hr
Dechert LLP	160 Queen Victoria Street	Farringdon Within	A 23:30
Osborne Clarke LLP	1 London Wall	Aldersgate	A 23:00
People's Choice	38 Goswell Road	Cripplegate	A 21:00
Wedlake Bell LLP	71 Queen Victoria Street	Vintry	A 23:00
Fresh Shellfish Ltd	Beehive Passage, Leadenhall Market	Langbourn	A 22:00
Bunco	22 Monument Street	Bridge and Bridge Without	A 19:00
WeWork	1 Poultry	Cordwainer	A 23:00
The Good Yard	43-45 Leadenhall Market	Langbourn	A 22:00
Northern & Shell	10 Lower Thames Street	Billingsgate	A 00:00

Total Licences Issued = 13

Key to Details:

- | | |
|----------------------------|---------------------------|
| A Sale of Alcohol | (e) Live Music |
| L Late Night Refreshment | (f) Recorded Music |
| (a) Plays | (g) Performances of Dance |
| (b) Films | (h) Making Music |
| (c) Indoor Sporting Events | |
| (d) Boxing or Wrestling | |

Times stated are the latest terminal hour for at least one of the licensable activities.

Number of Licences by Ward

WARD	No.		
Aldersgate	1	Aldgate	1
Billingsgate	1	Bishopsgate	1
Bridge and Bridge Without	1	Cordwainer	1
Cripplegate	1	Farringdon Within	1
Langbourn	2	Portsoken	1
Tower	1	Vintry	1

Conditions Applied to Licences Granted by way of Delegated Authority

Eataly

1. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment, will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recordings of the preceding two days immediately when requested.

Empanada

1. The premises shall install and maintain a comprehensive CCTV system. The CCTV cameras shall continually record whilst the premises are open to the public. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recordings of the preceding two days immediately when requested.

2. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

Bevis Marks Synagogue

None

10 Trinity Square

1. Save for where prior written agreement is obtained from the Police Licensing Team (such agreement not to be unreasonably withheld) Promoted events will not be held at the premises. A promoted event is an event involving music and/or dancing where the musical entertainment is provided at any time by a disc jockey or disc jockeys one or some of whom are not employees, agents or contractors of the licensee (premises licence holder) or the 10 Trinity Square hotel's operator or resident of the relevant apartment and the event is (independent of the licensee or the 10 Trinity Square hotel's operator or resident of the relevant apartment) promoted to the general public.

Dechert LLP

1. Licensable activities shall only be provided to directors, employees or bona fide guests of the premises licence holder.

Osborne Clarke LLP

1. The sale of alcohol will only be provided in respect of staff members, clients, and invited guests or persons attending a function by prior invitation.

People's Choice

1. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment, will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recordings of the preceding two days immediately when requested.

Wedlake Bell LLP

None

Fresh Shellfish Ltd

1. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

Bunco

1. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment, will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recordings of the preceding two days immediately when requested.

WeWork

1. The supply of alcohol shall only be to members of The WeWork group of companies or employees of member companies, or their bona fide guests.

The Good Yard

None

Northern & Shell

1. The supply of alcohol shall be limited to the area hatched red on the deposited plan on the fourth floor of the premises.

2. The supply of alcohol shall only be to persons employed at 10 Lower Thames Street London EC3, their bona fide guests, or persons attending a private pre booked function.

3. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

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Appendix II

Licence Variations Issued by way of Delegated Authority (1 Apr 18 – 25 Jun 18).

Name	Address	Ward	Variation
Madison	Rooftop Restaurant, One New Change	Bread Street	<ul style="list-style-type: none"> Extend hours for all licensable activities by one hour – new terminal hour 02:00
Assenheims	12 Smithfield Street	Farringdon Without	<ul style="list-style-type: none"> Extend licensable activities from 00:00 to 04:00 on Friday and Saturday
The Ned Hotel	27 Poultry	Walbrook	<ul style="list-style-type: none"> Vary condition 6 on the licence to extend terminal hour of roof terraces and external spaces from 23:00 to 02:00
Liberty Bounds	15 Trinity Square	Tower	<ul style="list-style-type: none"> To vary the plans – internal refurbishments
Apex Hotel	1 Sergeant's Inn	Farringdon Without	<ul style="list-style-type: none"> To vary the plans and to add exhibition of films to 23:00 hours
Sainsbury's (Holborn)	33 Holborn	Castle Baynard	<ul style="list-style-type: none"> To vary the plans, to tidy up defunct conditions, and to add Plays, Films, Live Music, Recorded Music and Dancing until 23:00
Parcel Office	Liverpool Street Station	Bishopsgate	<ul style="list-style-type: none"> To vary the plans – internal refurbishments

Total Number of Variations Issued = 7

Number of Licences by Ward

WARD	No.
Bishopsgate	1
Bread Street	1
Castle Baynard	1
Farringdon Without	2
Tower	1
Walbrook	1

Conditions Applied to Licences Granted by way of Delegated Authority

Madison

None

Assenheims

1. The premises licence holder shall advise the Police of any promoted event that is to take place at the premises by completing a Risk Assessment form provided by the Police. The form must be submitted to the City of London Police Licensing Office, at least 14 working days before the event. A promoted event is defined as follows:

* A promoted event is an event involving music and/or dancing where the musical entertainment is provided at any time by a disc jockey or disc jockeys one or some of whom are not employees of the licensee (premises license holder) and/or the event is (independent of the licensee) promoted to the general public.

2. When promoted events are held door supervisors shall be employed on a ratio of 1:50 patrons. At least one member of the door staff shall be female. All door supervisors will wear and use functioning body worn cameras. The images captured on body worn cameras will be made available for viewing by Police or other authorised persons immediately on request.

3. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points, will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recordings of the preceding two days immediately when requested.

2. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

The Ned Hotel

None

Apex Hotel

None

Sainsbury's

None

Parcel Office

None

Personal Licences Issued by way of Delegated Authority

1 Apr 2018 – 25 June 2018

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**Enforcement Action Carried out Under the Licensing Act 2003
1 April 2018 – 25 June 2018**

Total Number of Inspections	65
Number of Warning Letters	7
Number of Premises advised	29
Number of simple cautions	1
Number of suspension notices	9
Licence lapsed*	0
'Dead' Suspensions**	1
'Live' Suspensions***	8
Under determination	2

*Licences are deemed lapsed in circumstances where the licence holder no longer exists e.g. a company has gone into liquidation.

**A 'dead' suspension is where the premises is closed but there is no evidence to suggest that the licence holder is still in existence. If the licence holder returns to the premises the outstanding fee will have to be paid in order for the licence to be resurrected.

***A 'Live' suspension is where the premises is still trading and can now no longer carry on licensable activities until the licence fee has been paid.

Number of Complaints received between 1 April 2018 and 20 June 2018

Outcome Code

No action possible - Complaint unsubstantiated

Resolved Informally - Complaint justified but not statutorily actionable - informal action taken results in satisfactory outcome.

Resolved / Compliance - Complaint justified and statutorily actionable; formal or informal action taken results in satisfactory outcome.

Unresolved - Noise not reduced or controlled, nor have preventive measures to prevent recurrence been implemented.

Total number of complaints: 22

<u>Details</u>	<u>Time</u>	<u>Date</u>	<u>Outcome</u>	<u>Ward</u>
Bodean's BBQ, Restaurant, 16 Byward Street, London, EC3R 5BA				
Complaint of fan noise not turned down / off at agreed times.	14:49	04/04/2018	Resolved informally	Tower
Dirty Martini Monument, 1 Lovat Lane, London, EC3R 8DT				
Noise from patrons outside of the venue.	00:13	05/05/2018	Resolved informally	Bridge and Bridge Without
Dorsett City Hotel, Site Boundary, 9-13 Aldgate High Street, London				
Noise outbreak from rooftop of premises.	21:00	09/06/2018	Resolved informally	Portsoken
Jamaica Wine House, St Michael's Alley, London, EC3V 9DS				
Complaint regarding bottle collections from the bar.	08:46	15/06/2018	Resolved informally	Cornhill
Jamies, Retail Unit, River House, 119-121 Minories, London, EC3N 1DR				
Complaint of loud music, people and car horn noise.	00:18	08/04/2018	Resolved informally	Tower
Patch, 58-62 Carter Lane, London, EC4V 5EA				
Noise from patrons outside and loud music.	11:56	06/05/2018	Resolved informally	Farringdon Within
Noise from patrons outside and loud music.	21:30	31/05/2018	No action possible	Farringdon Within
Roma, 14 New London Street, London, EC3R 7NA				
Music and people noise from Club Roma	03:05	27/05/2018	No action possible	Tower
Alleged noise from the dispersal of Club Roma	03:30	22/04/2018	Resolved informally	Tower
Salotto 31, Retail Unit, 31 Lovat Lane, London, EC3R 8EB				

Complaint of loud music and people noise	23:06	11/05/2018	Resolved informally	Billingsgate
Shaws Booksellers, Shaws Booksellers Public House, 31-34 St Andrew's Hill, London, EC4V 5DE				
Alleged party noise	00:01	13/05/2018	Resolved informally	Castle Baynard
Simmons Bar, 20 Widegate Street, London				
Music outbreak	01:21	19/05/2018	No action possible	Bishopsgate
Music outbreak	19:00	25/04/2018	Case still in progress	Bishopsgate
Music outbreak	19:30	27/04/2018	Case still in progress	Bishopsgate
Music outbreak	20:30	06/04/2018	Referred other services	Bishopsgate
Music outbreak	20:56	06/04/2018	Referred other services	Bishopsgate
Music outbreak	22:00	26/04/2018	Case still in progress	Bishopsgate
Music outbreak	22:33	12/05/2018	No action possible	Bishopsgate
Music outbreak	23:40	07/04/2018	Case still in progress	Bishopsgate
Sripur, 25 Great Tower Street, London, EC3R 5AQ				
Refrigeration engine running in courtyard at rear of restaurant	00:15	14/06/2018	Case still in progress	Tower
The Butcher's Hook and Cleaver, The Butcher's Hook And Cleaver Public House, 61 West Smithfield, London, EC1A 9DY				
Alleged noise from people outside the bar	21:59	14/06/2018	Referred other services	Farringdon Within
The Shakespeare, The Shakespeare Public House, 2 Goswell Road, London, EC1M 7AA				
Alleged people noise	18:20	19/04/2018	Resolved informally	Cripplegate

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Committee(s)	Dated:
Licensing Committee Court of Common Council	04 07 2018 13 07 2018
Subject: Gambling Act 2005: Review of Statement of Licensing Principles	Public
Report of: Director of Markets and Consumer Protection	For Decision
Report author: Andre Hewitt - Licensing	

Summary

The Gambling Act 2005 requires all licensing authorities to produce and publish a Statement of Licensing Principles ('policy'). The City Corporation produced its first such statement, as prescribed by the statutory timetable, at the time the Act came into force in January 2007.

The legislation requires that all authorities review their policy at least every three years. This policy was last reviewed in January 2016 and therefore is required to be reviewed by January 2019.

The City Corporation has now completed its work on producing a Local Area Profile in order that licensees can fully assess the local risk to the licensing objectives posed by their gambling operations. The Policy is therefore being reviewed earlier than statutorily required to include this work.

The updated Policy (Appendix 1) and the two documents 'Local Area Profile' (Appendix 2) and the 'Guidance on Undertaking Risk Assessments' (Appendix 3) formed the basis of the proposals which went out to consultation.

Recommendation(s)

Members are asked to:

1. Agree the draft Statement of Licensing Principles (Appendix 1), The Gambling Local Area Profile (Appendix 2) and the Guidance on Undertaking Local Gambling Risk Assessments (Appendix 3) .

2. Agree the time table and methodology to determine the final text and adoption of the Statement of Licensing Principles as stated in paragraphs 11 to 16.

Main Report

Background

1. The Gambling Act 2005 (the 'Act') requires licensing authorities to prepare and publish a statement of licensing principles (the 'policy') that they will apply in exercising their functions under the Act. The legislation further prescribes that the policy shall remain valid for a period of three years, after which it must be reviewed and re-published.
2. In order to comply with the statutory process, the City Corporation consulted with the following:
 - The Chief Officer of Police for the City of London
 - Persons representing the interests of persons carrying on gambling businesses within the City of London
 - Persons representing the interests of persons who may be affected by the City Corporation exercising its functions under the Act
3. The Gambling Commission has produced a Guidance to Licensing Authorities 5th Edition (the 'Guidance') and a document entitled 'Licence Conditions and Codes of Practice' (LCCP). The latest LCCP contained:
 - A new social responsibility code provision relating to the assessment of local risk.
 - A new ordinary code provision relating to shared risk assessments.
4. The social responsibility code provision requires licensees to assess the local risk to the licensing objectives posed by their gambling operations at each of their premises. In making these assessments, licensees must take into account relevant matters identified in the corporation's licensing policy.
5. The new ordinary code provision requires operators to share their risk assessment with licensing authorities when applying for a premises licence or a variation, or otherwise on request. The effect of this is that when an application is submitted, the authority can expect to see how risks which it has identified in its policy are to be mitigated.
6. The City's current policy was largely based on a concise template drafted by the Local Authority Coordinating Body on Regulatory Services (now Local Government Regulation) with additions to specifically suit the City of London and amended to reflect Government changes to published guidance. By using this template the City Corporation has ensured that the statutory requirements and inclusions recommended by the Guidance were adhered to.

7. However, following the release of the LCCP the Gambling Commission published a special bulletin making it clear that the national templates (from which the Policy was drafted) were unlikely to fully and adequately address local concerns, risks and features of the gambling landscape. This in turn would mean that licensees would not have sufficient information on which to base their newly required risk assessments.
8. The Gambling industry as controlled by the Gambling Act 2005 has a relatively light impact on the City of London. The City is not permitted to have a casino and has no Bingo establishments or Adult Gaming Centres.

Premises licensed within the City are currently as follows:

- Betting Shops 36
- Gaming Machine Permits (2 or less) 2
- Gaming Machine Permits (3 or more) 17

Current Position

9. The Licensing Service has undertaken an in-depth local area 'socio-economic' profile to take account of such risk and features which may affect the licensing objectives. This has resulted in the production of two documents:
 - The Gambling Local Area Profile – Spatial Analysis Report
 - Guidance on Undertaking Local Gambling Risk Assessments
10. The above documents can be seen as Appendix 2 and Appendix 3 respectively. The new Policy can be seen as Appendix 1.

Proposals

11. The draft documents at Appendices 1,2 and 3 form the basis of the paper that was forwarded to consultees. It is brought to your Committee today for any amendments considered necessary at this stage. The consultation period ran for nearly seven weeks from Wednesday 21 February 2018 to Monday 9 April 2018. No representations were received during this time.
12. The following persons were consulted, representing the interests of persons carrying on businesses in the City of London:
 - All licensees.
13. The following persons were consulted, representing the interests of persons who may be affected by the City exercising its functions under the Act:
 - Local Members
 - Director of Community and Children's Services
 - GambleAware
 - Gamcare

- Other responsible authorities
14. The remaining statutory consultee, The Chief Officer of Police for the City of London, was also consulted.
 15. Following completion of the consultation no further amendments were considered appropriate. Thus, the final version of the consulted upon Policy will come before this Committee on 4 July 2018.
 16. The final report will then be formally adopted by the Court of Common Council on 19th July 2018. This is a mandatory process to comply with statutory requirements.

Corporate & Strategic Implications

17. The proposals within this report will help to meet one of the overriding aims contained within the service's business plan to meet legal requirements of relevant legislation. The proposals also supports the Corporate Plan 2018 – 23 aims of contributing to a flourishing society and supporting a thriving economy.

Implications

18. There are no direct financial or risk implications for the Corporation's services associated with this report. Costs for the publication of the new policy can be met within current budget.

Appendices

- Appendix 1 – Statement of Licensing Principles 2018
- Appendix 2 - The Gambling Local Area Profile
- Appendix 3 - Guidance on Undertaking Local Gambling Risk Assessments

Background Papers

Guidance to Licensing Authorities 5th Edition – September 2015 (Gambling Commission)

Licence Conditions and Codes of Practice – April 2015 (Gambling Commission)

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CITY OF LONDON CORPORATION

GAMBLING ACT 2005

STATEMENT OF LICENSING
PRINCIPLES

June 2018

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FORWARD – (To follow)

PART A

GENERAL

1. Introduction

- 1.1 The City of London Corporation provides local government services for the financial and commercial heart of Britain, the “Square Mile”. It is committed to maintaining and enhancing the status of the business City as the world’s leading international financial and business centre through the policies it pursues and the high standard of services it provides. Its responsibilities extend far beyond the City boundaries in that it also provides a host of additional facilities for the benefit of the nation. These include open spaces such as Epping Forest and Hampstead Heath and the Barbican Arts Centre.
- 1.2 The City of London combines its ancient traditions and ceremonial functions with the role of a modern and efficient local authority, looking after the needs of its residents, businesses and over 350,000 people who come to work in the “Square Mile” every day. Among local authorities the City of London is unique; not only is it the oldest in the country but it operates on a non-party political basis through the Lord Mayor, Aldermen and Members of the Court of Common Council. The Lord Mayor, in particular, has an important role as the principal ambassador of the City of London Corporation and the Business City, supporting and promoting the City generally and particularly as the world's leading international financial and business centre both at home and abroad; consulting widely within the City community on business needs.
- 1.3 Licensing authorities are required by the Gambling Act 2005 (‘the Act’) to publish a statement of the principles (‘Policy’) which they propose to apply when exercising their functions under the Act. This statement must be published at least every three years. The statement must also be reviewed from and any amended parts re-consulted upon. The statement must then be re-published.
- 1.4 The City of London Corporation consulted widely upon this statement before finalising and publishing it. A list of those persons consulted is provided below:
 - Chief Officer of Police
 - Ladbrokes
 - William Hill
 - Coral

- Paddy Power
- Betfred
- Gamcare
- GambleAware
- Director of Community and Children's Services
- Local Members
- In addition the Statement was placed on the City Corporation web site for comment

The Gambling Act requires that the following parties are consulted by licensing authorities:

- Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- 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 Gambling Act 2005.

- 1.5 Our consultation took place from 21 February 2018 to 09 April 2018.
- 1.6 The policy was approved at a meeting of the Court of Common Council in July 2018 and is published via our website. Hard copies are available on request.
- 1.7 Should you have any comments as regards this policy statement please send them via e-mail or letter to the contact details at the end of this document.
- 1.8 It should be noted that this policy statement will not override the right of any person able to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

2. The Licensing Objectives

- 2.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing 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
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

1.9 It should be noted that the Gambling Commission has stated:

‘The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.’

1.10 The City of London Corporation is aware that, as per Section 153, in making decisions about premises licences and [provisional statements] it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice [under section 24 of the Act]
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the [licensing] authority’s Statement of Licensing Principles.

2. Declaration

2.1 In producing this Policy statement, the City of London Corporation declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement. It shall be noted that this statement does not fully reflect the new guidance issued in September 2015 and the Gambling Commission’s ‘Licence conditions and codes of practice’ issued in February 2015.

2.2 In producing the final statement, the City of London Corporation gives appropriate weight to the views of those it has consulted. In determining what weight to give particular representations, the Corporation took into account the following factors:

- who is making the representations (what is their expertise or interest)
- relevance of the factors to the licensing objectives
- how many other people have expressed the same or similar views
- how far the representations relate to matters that the licensing authority should be including in its policy statement

3. Responsible Authorities

3.1 The City of London Corporation is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the City of London Corporation's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

3.2 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Director of Community and Children's Services for this purpose.

4. Interested Parties

4.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

‘For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the City of London Corporation which issues the licence or to which the application is made, the person:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- has business interests that might be affected by the authorised activities, or
- represents persons who satisfy paragraph (a) or (b).’

4.2 The City of London Corporation is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

- each case will be decided upon its merits
- this authority will not apply a rigid rule to its decision making

- it will consider the examples of considerations provided in Part 8 of the Gambling Commission's Guidance for Local Authorities.
- it will also consider the Gambling Commission's Guidance that 'has business interests' should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices

4.3 Interested parties can be persons who are democratically elected such as Aldermen, Common Councilmen and Members of Parliament. No specific evidence of being asked to represent an interested person will be required as long as the elected representative represents the ward likely to be affected. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation will be sufficient.

4.4 If individuals wish to approach Aldermen & Common Councilmen to ask them to represent their views then care should be taken that they are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Section as detailed at the end of the document.

4.5 Where an application is made for a premises licence an interested party, as detailed in paragraph [5.3] of this document, or a responsible authority may make representations in writing to the City of London Corporation. Such representations must be made within such period as the Government set and must relate to the licensing objectives.

4.6 Where a licence is held an interested party or a responsible authority may apply for a review. Applications for review must be made in a manner and format which complies with The Gambling Act 2005 (Premises Licences) (Review) Regulations 2007.

5. Exchange of Information

5.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

5.2 The principle that the City Corporation applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes compliance with current Data Protection legislation. The City of London Corporation will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant Regulations issued by the Secretary of State under the powers provided in the Act.

5.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.

6. Enforcement

6.1 Licensing authorities are required by regulations made under the Act to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

6.2 The City Corporation's principle is that it will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

- proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- consistent: rules and standards must be joined up and implemented fairly;
- transparent: regulators should be open, and keep regulations simple and user friendly;
- targeted: regulation should be focused on the problem, and minimise side effects.

6.3 Following the Gambling Commission's Guidance for local authorities the City of London Corporation will endeavour to avoid duplication with other regulatory regimes as far as possible.

6.4 The City of London Corporation has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular Part 36
- The principles set out in this statement of licensing principles.

- 6.5 The main enforcement and compliance role for the City Corporation in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the City Corporation but will be notified to the Gambling Commission.
- 6.6 The City Corporation will also keep itself informed of developments as regards the work of the Department of Business Innovation and Skills in its consideration of the regulatory functions of local authorities.
- 6.7 Bearing in mind the principle of transparency, the City Corporation's enforcement/compliance protocols/written agreements will be available upon request from the Licensing Section detailed at the end of this document.

7. Licensing Authority Functions

- 7.1 Licensing authorities are required under the Act to:
- be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
 - issue Provisional Statements
 - regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities through issuing Club Gaming Permits and/or Club Machine Permits
 - issue Club Machine Permits to Commercial Clubs
 - grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
 - receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
 - issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
 - register small society lotteries below prescribed thresholds
 - issue Prize Gaming Permits
 - receive and Endorse Temporary Use Notices
 - receive Occasional Use Notices

- provide information to the Gambling Commission regarding details of licences issued (see section 6 above concerning Exchange of Information)
- maintain registers of the permits and licences that are issued under these functions

7.2 It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

PART B

PREMISES LICENCES

8. General Principles

8.1 Premises licences will be subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

8.2 The City of London Corporation is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it considers such use to be:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and,
- in accordance with the authority's statement of licensing policy.

8.3 It is appreciated that as per the Gambling Commission's Guidance for local authorities 'moral objections to gambling are not a valid reason to reject applications for premises licences' (except as regards any 'no casino resolution' - see paragraph 12.1 below concerning Casinos) and also that unmet demand is not a consideration for a licensing authority.

8.4 'Premises' in the Act is defined as including 'any place'. Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different

parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

- 8.5 The Gambling Commission states in the fifth edition of its Guidance to Licensing Authorities that: ‘In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances.’

‘The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.’

- 8.6 The City of London Corporation takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that, ‘licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.

- Customers should be able to participate in the activity named on the premises licence.
- 8.7 The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:
- Do the premises have a separate registration for business rates?
 - Is the premises' neighbouring premises owned by the same person or someone else?
 - Can each of the premises be accessed from the street or a public passageway?
 - Can the premises only be accessed from any other gambling premises?
- 8.8 The City of London Corporation will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

Premises 'ready for gambling'

- 8.9 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.
- 8.10 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.
- 8.11 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:
- First, whether the premises ought to be permitted to be used for gambling
 - Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 8.12 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

Multiple Premises

- 8.13 The City Corporation recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will normally contact first should any compliance queries or issues arise. The above is notwithstanding issues to be taken up under the Home Authority Principle.

Location

- 8.14 The City of London Corporation is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

Planning

- 8.15 The Gambling Commission Guidance to Licensing Authorities states:
In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.
- 8.16 This authority will not take into account irrelevant matters as per the above guidance. In addition, this authority notes the following excerpt from the Guidance:
'When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. S.210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a

gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.’

- 8.17 Duplication with other regulatory regimes - The City of London Corporation will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 8.18 When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

Licensing objectives

- 8.19 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the City Corporation has considered the Gambling Commission’s Guidance to local authorities and some comments are made below.
- 8.20 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - The City of London Corporation is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. The City of London Corporation is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.
- 8.21 Ensuring that gambling is conducted in a fair and open way - The City Corporation has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

- 8.22 Protecting children and other vulnerable persons from being harmed or exploited by gambling - The City Corporation has noted that the Gambling Commission's Guidance states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at, or are particularly attractive to, children). The City Corporation will, therefore, consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.
- 8.23 The City Corporation will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.
- 8.24 As regards the term 'vulnerable persons' it is noted that the Gambling Commission is not seeking to offer a definition but states that 'it will, for regulatory purposes, assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.' The City of London Corporation will consider this licensing objective on a case by case basis.

Conditions

- 8.25 Any conditions attached to licences will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises;
 - reasonable in all other respects.
- 8.26 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures the City Corporation will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. The City Corporation will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.
- 8.27 The City Corporation will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include

the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance. The Secretary of State has prescribed the categories of gaming Machine and current details of the stakes and prizes of each category are available on the City of London's website in the licensing section.

8.28 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18 years of age.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

8.29 As per the Gambling Commission's Guidance, the City Corporation will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

8.30 It is noted that there are conditions which the licensing authority cannot attach to premises licences as follows:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated);
- conditions in relation to stakes, fees, winnings or prizes.

Door Supervisors

- 8.31 Door Supervisors – The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.
- 8.32 Where it is decided that supervision of entrances/machines is appropriate for particular cases, door supervisors are expected to be SIA licensed.

9. Adult Gaming Centres

- 9.1 The City Corporation will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that people under 18 years of age do not have access to the premises.
- 9.2 The City of London Corporation will expect applicants to offer their own measures to meet the licensing objectives. Appropriate measures / licence conditions may cover issues such as:
- proof of age schemes
 - CCTV
 - supervision of entrances / machine areas
 - physical separation of areas
 - location of entry
 - notices / signage
 - specific opening hours
 - self-barring schemes
 - provision of information leaflets / helpline numbers for organisations such as GamCare.
- 9.3 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

10. Licensed Family Entertainment Centres

10.1 The City Corporation will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that people under 18 years of age do not have access to the adult only gaming machine areas.

10.2 The City of London Corporation will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- proof of age schemes
- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours
- self-barring schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare.
- measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

10.3 The City Corporation will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The City of London Corporation will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

12. Casinos

12.1 No Casinos resolution – The City Corporation has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the City of London Corporation decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Court of Common Council.

13. Bingo Premises

13.1 The City corporation notes that the Gambling Commission's Guidance states:

Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises.

13.2 The Guidance further states:-

Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed. Social Responsibility (SR) code 3.2.5(3) states that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent underage gambling.

14. Betting Premises

14.1 Betting machines – The City Corporation will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable people (it is an offence for those under 18 years of age to bet), when considering the number/nature/circumstances of betting machines an operator wants to offer.

14.2 While the City Corporation has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will normally consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.

15. Travelling Fairs

- 15.1 It will fall to the City Corporation to decide, where category D machines and / or equal chance prize gaming without a permit is made available for use at travelling fairs, if the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 15.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 15.3 It has been noted that the 27 days statutory maximum for the land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The City of London Corporation will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

16. Provisional Statements

- 16.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 16.2 S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
 - expects to be altered; or
 - expects to acquire a right to occupy.
- 16.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 16.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the

case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

16.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

16.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operators' circumstances;
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

17. Reviews:

17.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives;
- in accordance with the authority's statement of licensing principles.

Consideration will also be given as to whether the request for a review is frivolous, vexatious or substantially the same previous representations or requests for review.

17.2 The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

Once a valid application for a review has been received, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

17.3 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:

- add, remove or amend a licence condition imposed by the licensing authority;
- exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- suspend the premises licence for a period not exceeding three months;
- revoke the premises licence.

17.4 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations

17.5 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

17.6 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

PART C

PERMITS / TEMPORARY & OCCASIONAL USE NOTICE

18 Unlicensed Family Entertainment Centre (UFEC): Gaming Machine Permits (Statement of Principles on Permits - Schedule 10, Paragraph 7)

18.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

18.2 The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit. In preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 24.

18.3 The Gambling Commission's Guidance for local authorities also states:

‘In its statement of policy, a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits. In particular it may want to set out the matters that it will take into account in determining the suitability of the applicant. Given that the premises is likely to appeal particularly to children and young persons, licensing authorities may wish to give weight to matters relating to protection of children from being harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group’

18.4 The Guidance further states:

‘An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an UFEC, and if the chief officer of police has been consulted on the application.....’ The licensing authority may also consider asking applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in UFECs
- that the applicant has no relevant convictions (as set out in Schedule 7 of the Act)
- that employees are trained to have a full understanding of the maximum stakes and prizes.

- 18.5 It should be noted that a licensing authority cannot attach conditions to this type of permit.
- 18.6 Statement of Principles - The City Corporation will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.

19 Alcohol Licensed Premises: Gaming Machine Permits - Schedule 13, Paragraph 4(1)

19.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

19.2 If a premises wishes to have more than two machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and ‘such matters as they think relevant.’ The City Corporation considers that ‘such matters’ will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that people under 18 years of age do not have access to the adult only gaming machines.

- 19.3 Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 19.4 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 19.5 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 19.6 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

20 Prize Gaming Permits: Statement of Principles on Permits - Schedule 14, Paragraph 8 (3)

- 20.1 The Gambling Act 2005 states that a licensing authority may „prepare a statement of principles that they propose to apply in exercising their functions under this Schedule“ which „may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit“.
- 20.2 The City of London Corporation has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations;
 - and that the gaming offered is within the law.
- 20.3 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

20.4 It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize);
- participation in the gaming must not entitle the player to take part in any other gambling.

21 Club Gaming and Club Machines Permits

21.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (three machines of categories B, C or D).

21.2 The Act states:

‘...members clubs must have at least 25 members and be established and conducted wholly or mainly for purposes other than gaming, unless the gaming is restricted to that of a prescribed kind (currently bridge and whist). Members' clubs must be permanent in nature but there is no need for a club to have an alcohol licence.’

21.3. The Commission Guidance also notes that ‘licensing authorities may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;

- a permit held by the applicant has been cancelled in the previous ten years; or an objection has been lodged by the Commission or the Police.”

21.4. There is also a ‘fast-track’ procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission’s Guidance for local authorities states, ‘Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced.’ and the grounds on which an application under the process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under Schedule 12;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

21.5. There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

22. Temporary Use Notices

22.1. There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that the meaning of premises in part eight of the Act is discussed in Part 7 of the guidance. As with premises, the definition of a ‘set of premises’ will be a question of fact in the particular circumstances of each notice that is given. In the Act premises is defined as including ‘any place’. In considering whether a place falls within the definition of a ‘set of premises’, the City Corporation will need to look at, amongst other things, the ownership/occupation and control of the premises. The Guidance states, ‘This is a new permission and licensing authorities should be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.’

23. Occasional Use Notices:

23.1. The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of eight days in a calendar year is not exceeded. The City Corporation will however consider the definition of a ‘track’ and whether the applicant is permitted to avail him/herself of the notice.

PART D

Local Risk Assessments/Local Area Profile

24. Local Risk Assessments

24.1. The Gambling Commission's Social Responsibility Code 10.1.1 requires all premises licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this Policy.

24.2. Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:

- when applying for a variation of a premises licence
- to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of policy
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks

24.3. The new Social Responsibility provision is supplemented by an ordinary code provision that requires licensees to share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority, such as when they are inspecting a premises.

24.4. More information on Local Risk Assessments can be found in The City of London's guide on risk assessments.¹

25. Local Area Profile

25.1. In order to assist licensees in formulating their local risk assessments the City of London has produced a Local Area Profile.² The aim of the Local Area Profile is to increase awareness of local risks that licensees will need to address in their risk assessments.

25.2. The City Corporation will expect local risk assessments to contain control measures that seek to mitigate those risks identified.

¹ Guidance on Undertaking Gambling Risk Assessments – January 2018

² Gambling Local Area Profile – April 2017



Gambling Local Area Profile

Spatial Analysis Report

Exploring area-based vulnerability to gambling related-harm:
Developing the gambling-related harm risk index

April 2017

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Executive Summary

Background

In Great Britain, there is a changing gambling policy and regulatory environment which has increased focus on risk. Local area risk assessments have been introduced into the Gambling Commission's updated Licensing Conditions and Codes of Practice with understanding local risk, and taking appropriate steps to mitigate risk, being highlighted as a key concern.

Policy is also becoming more focused on understanding and mitigating gambling-related harm more broadly, rather than focusing on problem gambling alone.

Finally, in the Gambling Act 2005, children and vulnerable people were singled out for special regulatory attention. However, to date, about who may be vulnerable or why and how vulnerability and harm may vary at a local level has not previously been explored and has been subject to very little investigation.

Aims of the Analysis

The analysis aimed to explore and document what different types of harms arise from gambling, and who may be at greater risk of harm, explore and document who are the City of London's most vulnerable groups, and provide the basis for an informed and astute led approach in decision making.

Methods

To develop the theoretical basis of our risk models, we first had to ascertain which types of people were viewed as vulnerable to, or at risk of, gambling-related harm. This necessitated the development of the City of London's stakeholder consultation survey.

The survey questionnaire was based on the format generated by GeoFutures¹ on behalf of the City of Westminster and Manchester City Council, but modified for our purposes.

Furthermore, individual consultation interviews were arranged with a diverse range of key stakeholders within the City of London who were identified and approached purposely from those who had experienced the effects of gambling-related harm first hand.

Results

The City of London's very unique demography resonated with our stakeholders who confirmed the long-standing knowledge that those working in jobs that involve high-level financial risk (executives, traders and financial advisors) are at a greater risk to gambling-related harm.

The introduction of smart phone technology and the installation of gambling applications has engaged a higher volume of users. It's anonymous, hence being regarded as a hidden addiction. Those who are gambling on-line are specifically professional males aged between 18-35² years old who are in uncontrolled environments where warnings and control is limited, and often during working hours.

¹ Geofutures Ltd, Bath

² EPIC Risk Management

Children now regularly see gambling advertising and the number of gambling commercials on British TV has increased exponentially since the deregulation of the sector nearly 10 years ago, and since the Gambling Act 2005 came into force in September 2007.

Consequences of this are two-fold:

- The harm it causes to the gambler themselves, their employer, their colleagues, family, extended family, friends, and the community.
- The cost it causes to the UK Government in health care, welfare, housing and to the criminal justice system.

The City of London's transient workforce, those working on the plethora of construction sites around the city are not immune to gambling-related harm. We have no direct evidence to support this however, it would be remiss not to at least remark on this situation.

Implications

When reflecting on who may be vulnerable to gambling-related harm, a holistic approach needs to be taken as personal circumstances of each individual are not known. Therefore, for the groups outlined in this analysis, it does not mean that everyone with those characteristics **will** experience harm rather that based on these characteristics there is an increased risk that they **may** experience harm.

There are likely to be multiple and complex risk factors for harm, with some people having multiple characteristics of potential vulnerability.

Limitations

This analysis is constrained by actual evidence. Therefore, some risk factors, groups or themes may have been overlooked (such as minority ethnic groups) where we had very limited available data and therefore have not so far included them to date.

The specific aim was to merely assemble an authentic 'Local Area Profile' which underpins the basis for an informed and astute led approach in decision making for the City of London Licensing Authority.

1. Introduction

1.1 Overview

National gambling policy and regulatory authorities have an increasing focus on risk, and to date, there has been very little examination of who is vulnerable to gambling-related harm, how these people can be identified and what might be done to protect them.

This report has been formed from a specific undertaking to explore area-based vulnerability to gambling-related harm within the City of London. It is now compulsory for all industry operators to undertake local area risk assessments to investigate the risks gambling venues pose to the licensing objectives.

The focus on vulnerable persons and harm comes directly from the licensing objectives set out in the Gambling Act 2005, which states that children and vulnerable people should be protected from being harmed or exploited by gambling.

New code provisions covering risk assessments and local authority profiles came into effect from April 2016.

2. Background

The Gambling Act 2005 gives Licensing Authorities responsibility for issuing premises licences for gambling venues. The advice contained within the Act is that Licensing Authorities should 'aim to permit' premises licences as long as applications are reasonably consistent with the following objectives:

- a) Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime;
- b) Ensuring that gambling is conducted in a fair and open way, and;
- c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

More recently, there have been some changes in the recommended approach to gambling licensing and regulation, as outlined in various documents published by the Gambling Commission.^{3,4}

These changes can be summarised into three broad areas:

- Increased focus on risk and regulation;
- Greater attention to local area risk, and;
- Encouragement of partnership and collaboration between stakeholders to mitigate risk.

Aims of the Analysis

2.1 As a reference guide, the examination process accomplished by the City of Westminster and Manchester City Council, in particular '*Exploring area-based vulnerability to gambling-related harm: Developing the gambling-related harm risk index*' and '*Exploring area based vulnerability to harm: who is vulnerable?*' was also explored by the City of London and established three main aims;

1. Explore and document what different types of harms arise from gambling, and who may be at greater risk of harm;
2. Explore and document who are the City of London's most vulnerable groups;
3. Provide the basis for an informed and astute led approach in decision making.

Approach

2.2 Spatial analysis has been used to examine local variation in vulnerability to gambling related-harm in the City of London. In order to do this we have;

- Identified the main characteristics associated with gambling-related harm referencing the process completed by the City of Westminster and Manchester City Council.
- For each characteristic, the availability of local level data was considered, and further datasets were assessed against within the local context.
- Encapsulated this information into a single model visually that outlines areas of greater or lower potential risks.

³ Gambling Commission Licence Conditions Codes and Practice – January 2018

⁴ Gambling Commission Guidance to Licensing Authorities 5th Edition – September 2016

3. City of London

3.1 Overview

The City of London is also known as the 'Square Mile', and is the financial district and historic centre of London. It is one of 33 areas with local authority responsibilities into which London is divided. Administratively, London is divided into 32 boroughs and the City of London.

The City Corporation has a special role and wide remit that goes beyond that of an ordinary local authority with three main aims:

- to support and promote London as the world's leading international financial and business centre and attract new business to the capital and the whole UK
- to work in partnership with local communities to increase skills, employment and opportunities for all Londoners, including through the City Bridge Trust
- to enhance the capital as a hub of culture, history and green spaces for Londoners – residents, workers, and visitors.

The residential population of the City of London is approximately 12,000 people. The daytime population of the City increases significantly, with approximately 400,000 people commuting into the City each day for work. Additionally, a transient labour-force increases the number of commuters to the city working on the many building/construction sites.

In addition to the above over 18 million tourists visit London every year, many to see the popular attractions in the City of London which include St Paul's Cathedral, the Monument to the Great Fire of London, Guildhall Galleries, the Barbican Centre and the Museum of London.

Notable buildings in the area include 30 St Mary Axe (Gherkin), the Leadenhall Building (Cheesegrater) at 122 Leadenhall Street, 20 Fenchurch Street (Walkie-Talkie), the Broadgate Tower and the Heron Tower.

The city is also full of upscale eateries, celebrity chef restaurants and markets including the historic Leadenhall Market and Petticoat Lane.

4. Developing the risk index models: theoretical basis

4.1 Overview

The Licensing team at the City of London conducted research to establish the theoretical and first-hand basis for our risk-index models. Our stakeholder consultation consisted of a two-phase approach:

1. Stakeholder consultation survey
2. Stakeholder face to face interviews

4.2 Methods

4.2.1 Stakeholder Consultation Survey

To develop the theoretical basis of our risk models, we first had to ascertain which types of people were viewed as vulnerable to, or at risk of, gambling-related harm, and this necessitated the development of the City of London's stakeholder consultation survey.

The survey questionnaire was based on the format generated by GeoFutures on behalf of the City of Westminster and Manchester City Council, but modified for our purposes. (See Appendix 1)

4.2.2 Stakeholder Consultation face to face Interviews

Furthermore, face to face consultation interviews were arranged with a diverse range of key stakeholders within the City of London who were identified and approached purposely from those who had experienced the effects of gambling-related harm first hand.

4.3 Definitions

Before considering the evidence relating to who is vulnerable to, or at risk of, gambling-related harm, the following definitions apply.

4.3.1 Gambling-related harm

Gambling-related harm can be defined as:

'The adverse financial, personal and social consequences to players, their families, and wider social networks that can be caused by uncontrolled gambling.'⁵

4.3.2 Problem gambling

Problem gambling (or ludomania, but usually referred to as 'gambling addiction' or 'compulsive gambling') is defined as:

'an urge to gamble continuously despite harmful negative consequences or a desire to stop'.⁶

⁵ Responsible Gambling Strategy Board - 2009

⁶ Helpstopgambling.org

4.3.3 Nature of harms

The following represents the nature of harms to individuals which can be broadly grouped as follows:

- Detriments to the person's health, both morbidity and mortality
- Emotional or psychological distress
- Financial difficulties, diverted financial resources, bankruptcy or reduction of financial situation
- Reduced performance / loss of role at employment or study
- Relationship conflict or breakdown.
- Criminal activity. While a rare outcome of gambling problems, entering the judicial system creates acute harm to individuals as well as the community. This includes (but is not limited to) incarceration, along with psychological harms of shame and stigma.
- Harm to family and friends (in terms of the partner (or spouse) and the children of people with gambling problems)
- Harm to the community (self-reported missed work, levels of debt, proceeds from crime, and costs to the judicial system and welfare system).
- Indirect harm to the community (poverty, poor health, lower levels of social and human capital)
- Financial loss to the community (loss of money from the community or the transporting of harm – on-line gambling)

4.3.4 Who can be vulnerable to gambling-related harm?

The Gambling Commission has stated that whilst they did not want to explicitly define who vulnerable people are, this is likely to include people who gamble more than they want to.⁷

The following represents those persons who can be vulnerable to gambling-related harm:

- Young people (youth)
- Students
- Those with Mental Health problems
- Those afflicted with substance use/misuse issues
- Those with learning disabilities / difficulties
- Immigrants
- Ethnic minorities
- Homeless people
- Those living in constrained economic circumstances
- Those living in deprived areas
- Prisoners
- Older people
- Those with personality / cognitive impairments
- Women potentially vulnerable to harm
- Other groups/people

⁷ Gambling Commission 2012

4.4 Gambling-Related Harm

Extracted from our stakeholder questionnaire survey the following is a generic representation.

4.4.1 Stakeholder perspective: What different types of harms arise from gambling?

As with the list overleaf outlining the nature of harms to individuals our stakeholders echoed the same views; however, the fundamental element delineated is the ancillary harm impacting families and communities in particular:

- Crime (funding a gambling addiction)
- Child abuse
- Domestic violence
- Deterioration of family relationships, marriage breakdown
- Employability (loss of job/career issues)
- Family personal safety (debt with lenders)
- Financial stress
- Health issues (nutrition and general wellbeing including lack of sleep)
- Homelessness (rent is not paid or is in arrears), and dependents including children being made homeless
- Reputation and brand loss to an organisation including legal implications
- Social isolation.

4.4.2 Stakeholder perspective: Who do these harms affect?

Mostly our stakeholders established that the individual/person who is significantly affected is the gambler themselves, followed by their family (especially children), extended family and friends, employers/colleagues, broader social network, and the community.

The detriment to the individual gambler extends to anti-social behaviour, including compulsive lying, bullying, and the extreme where the individual has self-harmed or tragically committed suicide.

4.4.3 Stakeholder perspective: How might harms vary from person to person?

The consensus portrayed by our stakeholders characterised that harm varies from person to person dependent on personal circumstances, and they range from:

- The type of gambling
- The support offered by family
- The severity of the addiction
- The culture and acceptance of gambling
- The gamblers emotional wellbeing (depression or low self-esteem)
- The gamblers mental health (unable to make informed or balanced decisions)
- The gamblers individual character (tendency towards anxiety or stress)
- The gamblers income (high income earner or receiving benefits)

4.4.4 Stakeholder perspective: Over what time frame might harm be experienced?

Individuals can become pathological instantaneously, or within a few weeks or even years. Some individuals can take over a decade or even a lifetime.

Regrettably gambling is a hidden addiction and therefore often goes unnoticed. However the time frame that gambling-related harm is experienced is wide-ranging and this can also be attributed to the personality of the gambler, and whether or not it is an entrenched behaviour.

4.5 Vulnerable people

Extracted from our stakeholder questionnaire survey the following is a generic representation.

4.5.1 Stakeholder perspective: Identifying vulnerability

Vulnerability has many components, and can be identified with many causes contributing to being categorised as being vulnerable.

Predominantly our stakeholders implied the following risk factors which can all be identified through assessment, behaviour and observation:

- Those individuals who have an addictive personality.
- Those with lower levels of education.
- Those from deprived or poorer communities.
- Those with fewer psychological coping resources or those being manipulated or controlled either physically, mentally or emotionally.
- Those who have difficulties in coping with daily living, and the absence of an adequate support structure around them.
- Those who need support or protection because of age, learning difficulties, mental health, mobility issues, or with a disability.
- Those with an alcohol or substance abuse dependency.

4.5.2 Stakeholder perspective: Who is vulnerable to gambling-related harm?

Largely 'everyone' is vulnerable to gambling-related harm, particularly anyone who is related to the gambler (spouses, partners, extended family and friends).

4.5.3 Stakeholder perspective: Which groups are most vulnerable to gambling-related harm?

The clear majority of our stakeholders specified that the group most vulnerable to gambling-harm were young people/children trailed by the gambler themselves which appears to be more men than women. Furthermore, their partner/spouse, immediate family, and friends.

5. Developing the risk index models: modelling and spatial analysis

5.1 Introduction

The datasets, data sources and statistics used to collate the City of London spatial analysis are representative of the best and most recent local data available to signify the risk factors identified, some of which have multiple datasets.

5.2 Characteristics of vulnerability

The following characteristics considered for inclusion in the City of London model were those with supplementary evidence to support each one at this time, however the models will be regularly reviewed and amended to take into account varying factors.

Risk factor: problem gamblers seeking treatment

Dataset used: *GamCare counselling locations and Gamblers Anonymous Meetings*

These locations are derived from the lists sourced from GamCare and Gamblers Anonymous website. These locations indicate the places where people with gambling problems will be visiting and hence bring those potentially vulnerable groups to these locations.

Risk factor: crime, individuals gambling illegally in the streets

Dataset used: *City of London Police Crime Statistics*

This dataset is capturing information about individuals who have been caught gambling illegally in the streets.

Risk factor: crime, including theft/robbery, and stealing from employers

Dataset used: *City of London Police Crime Statistics*

This dataset is capturing information about individuals who have either been caught stealing, and employees committing theft from Gambling Licensed Premises, and theft from Automatic Teller Machines (ATM's) located within Gambling Licensed Premises.

Risk factor: crime, including criminal damage

Dataset used: *City of London Police Crime Statistics*

This dataset is capturing information about individuals who have committed a crime relating to criminal damage.

Risk factor: crime, involving employee fraud

Dataset used: EPIC Risk Management

This data represents those working in the financial sector who have access to company money (expense accounts, credit cards and client money).

Risk factor: individuals using hand-held devices during work hours

Dataset used: EPIC Risk Management

This data is used to represent that it is a known fact that gambling is now 24/7, anonymous, and engages a higher volume of users, specifically professional males aged between 18-35⁸ and working in the financial sector who are in uncontrolled environments.

Risk factor: those with financial difficulties and or debt

Dataset used: location of payday loan shops, loan sharks, and pawn brokers

This dataset represents locations where those with financial difficulties and debt problems are more likely to be present, accessing credit through less secured means.

Location of food banks and soup kitchens

This dataset aims to model financial difficulties and debt problems, through places where people are so severely impoverished that they cannot afford to buy food.

Risk factor: homelessness

Dataset used: The location of homeless accommodation and City of London supported housing

There are limited accommodation provision types for the homeless within the City of London with the majority of hostels being outside the 'Square Mile'.

Risk factor: people with poor mental health

Dataset used: Mental health services and mental health care facilities

Capturing accurate information about people with poor mental health is difficult and we acknowledge limitations with this, however we believe that there is sufficient, albeit a conservative measure of poor mental health within the City of London.

Risk factor: people with substance abuse or misuse problems

Dataset used: Drug and alcohol treatment and recovery centre clinics and clinics within GP surgeries and needle exchanges

As with problem gambling treatment locations, these clinics are likely to attract potentially vulnerable people to these locations. This data set is an amalgamation of an internal list supplemented by web searches.

Risk factor: youth

Dataset used: number of residents aged 10-24years

The age range of 10-24 has been selected based on the interpretation of the evidence including 'emerging adults' as well as younger children in 'transitional life stages'

education institutions with students of 13-24 years

This data is a list of all known educational institutions for people aged 13-24 and are derived from a current Local Authority list, and as such can be considered a reliable source.

These locations have been included as they represent areas where younger people will be present in greater numbers at certain points of the day.

6. The changing environment of gambling

6.1 Stakeholder perspective: How has the environment of gambling changed in the past 10yrs?

The gambling landscape has changed exponentially in the past 10 years due to on-line/internet gambling – hand-held technology has spawned a whole new customer base. Gambling is now 24/7, anonymous, and engages a higher volume of users.

Recent statistics expressed that 1 in 5⁹ of the United Kingdom are now gambling on-line. However, the most alarming statistic is that over 500,000⁹ children are reported to gamble each week. The most predominant demographic however is professional males aged between 18-35 years old¹⁰ who invariably are in uncontrolled environments where warnings and control are very limited.

The ‘hidden’ gambling landscape is the damage to company profitability, branding and reputation, particularly where clients are involved. Criminal acts involving gambling particularly in the financial services sector is increasing, and figures recently released indicate that gambling fraud is now responsible for 12.5% of all frauds in the United Kingdom.¹⁰

Television gambling advertisements have risen 600% from 234,000 in 2007 to 1.4m in 2012.¹¹ These advertisements produced 30.9bn ‘impacts’ – i.e. the number of times a commercial was seen by viewers. Gambling advertising on social media has also increased as the gambling industry owns a ‘freedom’ on the internet that it has never been able to fully realise in the actual, physical world.

⁹ Gambling Commission – Young People and Gambling 2016

¹⁰ EPIC Risk Management

¹¹ Ofcom Research - 2012

7. The Local Area Profile of the City of London

7.1 Introduction

The City of London is the financial district and historic centre of London. It is one of the 33 areas with local authority responsibilities into which London is divided. Administratively, London is divided into 32 boroughs and the City of London.

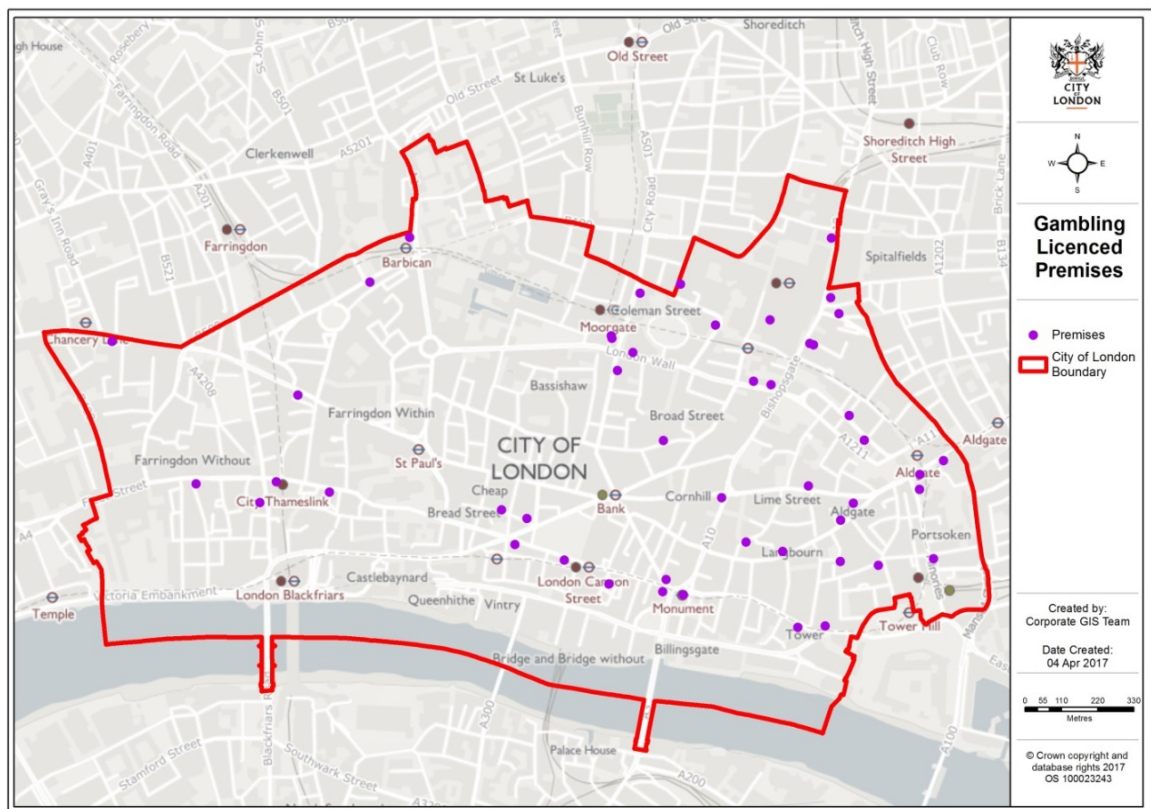
The City of London has a unique demography with a relatively low residential population but an estimated daily working population of approximately 400,000. The City is the only area in the United Kingdom in which the number of workers significantly outnumber the residents.

Additionally, over 18 million tourists visit London every year many of which visit the City of London as they acknowledge that the City is home to many popular attractions including St Paul's Cathedral, the Monument to the Great Fire of London, Guildhall galleries, Barbican Centre and the Museum of London.

7.2 Gambling premises

Within the City of London there are 36 Licensed Gambling Premises, and the number has remained stable since the inception of the Gambling Act 2005. The majority of gambling premises are situated in the eastern half of the city.

The map below provides an overview of all current licences within the City of London:



7.3 City of London's 'hot spot' affected most by gambling-related harm

Although gambling is a legal entertainment activity it has been recognised that if you work in the financial services industry, you are at a greater risk of developing a gambling dependency than other professions. It is estimated 1 in 30¹² employees in the financial services sector are suffering from a gambling addiction.

Coincidentally our stakeholders also confirmed that those working in the financial services sector are at a greater risk of developing a gambling addiction – it is now the most prevalent sector in the United Kingdom and rising.

Those who work in the financial services sector are commonly highly intellectual including executives, stock market traders and financial advisors who are gambling whilst at work. There are several common denominators which is intrinsically linked including:

- Adrenalin driven
- Thrill seekers
- Risk takers
- Optimistic outlook
- Competitive

The ward area of Portsoken within the City of London was highlighted as the area/location that was most likely to be affected by gambling-related harm, and ties in with the cluster of current licences in the east of the City of London, and the hub of the financial district.

7.4 GamCare Statistics

The information above is evident in the recent statistic provided by GamCare.

In 2016/17 GamCare recorded 40% of HelpLine and NetLine calls, and during this time received calls from 400 people with a postcode in the City of London.

Additionally, GamCare were able to provide face-to-face counselling for 5 people registered within the City of London from their Clapham Junction offices, and an additional 41 clients at their Liverpool Street location (an overall increase from the previous year).

¹² National Problem Gambling Clinic

7.5 Evidence review – who are the City of London’s vulnerable groups?

Extracted from our stakeholder questionnaire surveys, and the evidence obtained from our various datasets, the following is a generic representation of those areas that put people most at risk of gambling-related harm within the City of London.

- Those individuals who are affected by an alcohol misuse/addiction.
- Those individuals who are affected by a drug, and or substance misuse.
- Those individuals who are homeless and sleeping/living rough on the streets (huddles of homelessness within the City of London include Liverpool Street, Tower Hill, Fleet Street, and the Barbican Estate).
- Those individuals who have low educational attainment and learning and intellectual functioning difficulties.
- Adults with mental health issues, depression, anxiety, and low self-esteem.
- Those individuals who have become socially isolated.
- Those individuals who are on low incomes or have experienced financial difficulties (in debt), loss of job and even bankruptcy.
- Those individuals who work within the financial sector (typically executives, traders, bankers etc.)
- Children who have a parent who gambles and are unable to provide for day-to-day living expenses, and asylum seeking young people.

7.6 Local Area Profile Table

As outlined overleaf the table below demonstrates which of the identified characteristics had first-hand evidence. The characteristics which are shaded in darker grey show where there was evidence to support that these characteristics are associated with a higher risk of harm.

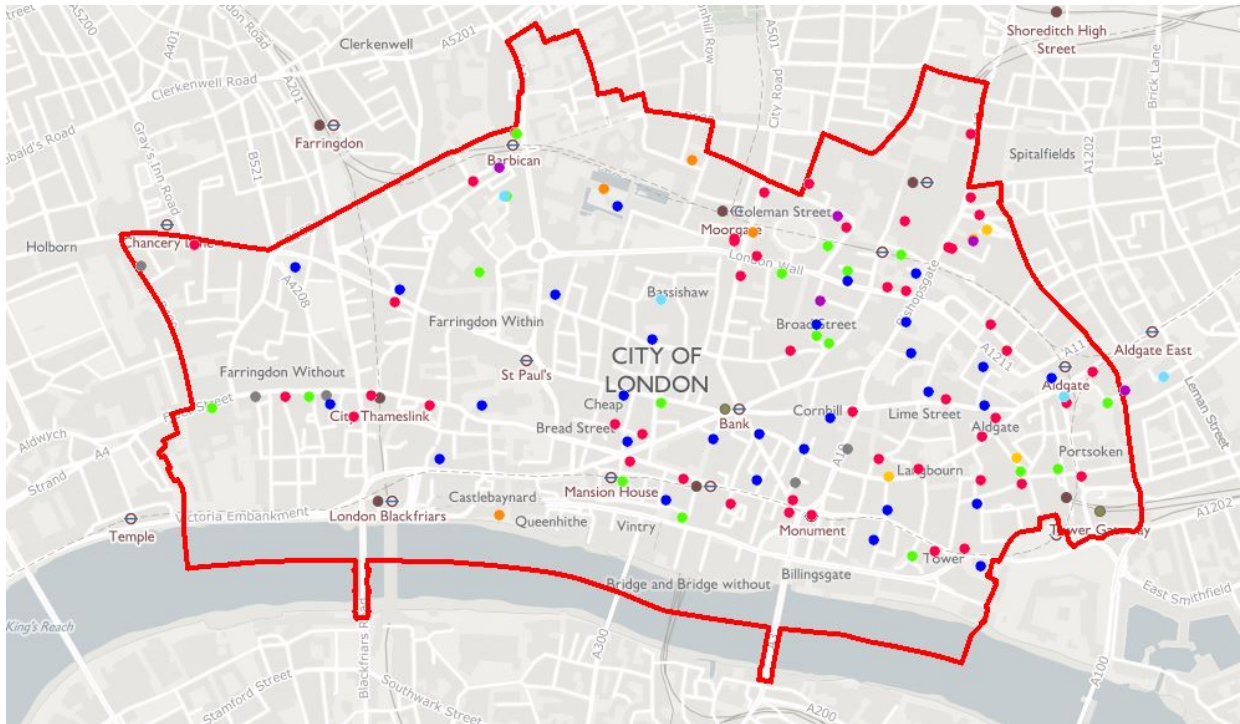
Lighter grey demonstrates emerging evidence, and the remaining characteristics are mixed/limited or no evidence.

Demographics	Socio-economic	Poor judgement/ Impairment	Other
Youth	Unemployment	Low educational attainment	Poor mental health
Older people	Low Income	Low IQ	Substance abuse/ misuse
Women	Deprived areas	Under influence alcohol/drugs	Problem gamblers
Ethnic Groups	Financial difficulties/debt	Learning disabilities	Financial Workers
	Homeless	Personality Traits	
	Immigrants		
	Prisoners/ probation		

7.7 Demographic Profile

The City of London Licensing Authority has identified specific concerns and risks relating to gambling in the local area.

The map below provides an overview; however the full demographic profile has been visually mapped and can be found at [Map Profile](#).



- Addiction Support
- Education Establishments
- Financial
- Gambling Licenced Premises
- Healthcare Services
- Homelessness Support
- Mental Health Support
- Religious Institutes

8. Summary

The City of London's very unique demography resonated with our stakeholders who confirmed the long-standing knowledge that those working in jobs that involve high-level financial risk (executives, traders and financial advisors) are at a greater risk to gambling-related harm.

The introduction of smart phone technology and the installation of gambling applications has engaged a higher volume of users. It's anonymous hence being regarded as a hidden addiction. Those who are gambling on-line are specifically professional males aged between 18-35 years old¹³ who are in uncontrolled environments where warnings and control is limited, and often during work hours.¹³

Advertising is now seen regularly by a younger audience¹⁴, and the number of gambling commercials on British TV has increased exponentially since the deregulation of the sector nearly 10 years ago, and since the Gambling Act 2005 came into force in September 2007.

Consequences of this are two-fold:

- The harm it causes to the gambler themselves, their employer, their colleagues, family, extended family, friends, and the community.
- The cost it causes to the UK Government in health care, welfare, housing and to the criminal justice system.

The City of London's transient workforce, those working on the plethora of construction sites around the city are not immune to gambling-related harm. We have no evidence to support this, however it would be wrong not to at least remark on this situation.

How can we protect those vulnerable to gambling-related harm?

The majority of our stakeholders reacted by proposing that statutory safeguarding measures be imposed, additional support resources be available, and improved links with networks (family and other community) where appropriate.

Preventative technology, restricting financial transactions (high-stakes) for on-line gambling, paralleled with better education and reduced promotional material (TV, point-of-sale, street advertising), and additionally a fit for purpose at work policy, including a risk-register.

These are long term aspirations and mainly outside the control of the City of London Licensing Team. However, to assist licensees of gambling premises, a document providing guidance on undertaking gambling risk assessments has been produced. The document provides information on how and when a risk assessment should take place based upon the Gambling Statement of Principles and the information provided in this Local Area Profile.

¹³ EPIC Risk Management

¹⁴ Ofcom research - 2012

Stakeholder Consultation Survey Questionnaire

Introduction

The Gambling Act 2005 (The Act) gives Local Authorities responsibility for issuing premises licences for gambling venues. The Act requires that Local Authorities should 'aim to permit' premises licences as long as they are consistent with three objectives, one being 'protecting children and other vulnerable persons from being harmed or exploited by gambling'.

In April 2016 the Gambling Commission (the Commission) introduced new provisions of a social responsibility code within the Licence Conditions and codes of Practice (LCCP), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. It is a change in national policy and is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling.

To date, there has been little investigation about who may be vulnerable or why, and how vulnerability and harm may vary at a local level has not been explored. This survey aims to assist the City of London fill this gap, and aim to map our results visually, so that areas of potential risks are highlighted. Our intention is that these results become a tool for when making a decision about the location of gambling venues, consider the needs of the local communities and enable the City of London to develop plans to protect vulnerable people.

We would be very appreciative if you could please take the time to complete this survey which should take 20-30 minutes. Please comment on your responses as appropriate in the areas provided.

The City of London Corporation is a registered data controller under the Data Protection Act 1998 (DPA), and will process any personal information provided by you in accordance with that Act.

By providing your information, you are confirming that you consent to your information being processed in this way. If you would like further information at any point, please contact Andre Hewitt, Licensing Officer on 0207 332 3406.

Section 1: Gambling related-harm

1. What does the term gambling-related harm mean to your organisation?
2. How does this differ from problem gambling?
3. Do these differences matter? If so, in what way?
4. What different types of harms arise from gambling?
5. Who do these different harms affect?
6. How might harms vary from person to person?
7. Over what time frame might harm be experienced?
8. Can you please identify what area/location within the City of London you know is affected most by gambling-related harm.

Section 2: Vulnerable people

9. How would you identify vulnerability?
10. What does the term 'vulnerable people' mean to your organisation?
11. In respect of your answer to Question 10, what type of vulnerable groups interact with your organisation?
12. In respect of your answer to Question 11, what measures might be used to protect vulnerable people?
13. In respect of your answer to Question 12, which groups specifically?
14. Who would you consider to be vulnerable to gambling-related harm?
15. Are these groups different to those who are vulnerable to gambling problems?
16. In respect of your answer to Question 15, why is that? Is this evidence based?
17. Which groups do you think are *most* vulnerable to gambling-related harm?
18. What are the characteristics that suggest someone is vulnerable to gambling-related harm?
19. How do you think the characteristics of who is vulnerable have changed over the last 10 years?

Section 3: Other

20. Do you think there is a conflict between the local authority's function under The Gambling Act 2005 in aiming to permit licences and the objective of protecting vulnerable people? Which should take precedence and why?
21. Is there anything else you would like to add on this topic?

Thank you for completing this survey.

22. Could you please indicate below the capacity in which you are making your comments?
 - Gambling Care Provider
 - Community Service Provider (including Police & Fire Brigade)
 - Drug and Alcohol Treatment Provider
 - Education Provider
 - Financial Advice Provider
 - Healthcare Service Provider (including GP Surgery's & Hospitals)
 - Homelessness Support Provider (including accommodation)
 - Mental Healthcare Service Provider
 - Religious Establishment
 - Other (please specify)



Guidance on Undertaking Local Gambling Risk Assessments

Gambling Act 2005

January 2018

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Appendix A City of London Corporation Local Gambling Risk Assessment Template

1. Introduction

- 1.1 The Gambling Commission (the Commission) has introduced new provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. This change in national policy is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling.
- 1.2 The introduction of new provisions in the social responsibility code within the LCCP encourages Local Authorities, the Commission and the industry to work in partnership to address local issues and concerns.
- 1.3 The risk based approach provides a better understanding of, and enables a proportionate response, to risk. This approach includes looking at future risks and thinking about risks in a probabilistic way. Risk is not necessarily related to an event that has happened. Risk is related to the probability of an event happening and the likely impact of that event. In this case it is the risk of the impact on the licensing objectives.
- 1.4 The City Corporation has developed this guidance to assist gambling operators in undertaking and preparing their local (premises) risk assessments. This guidance provides a framework for the local risk assessment process that will provide a uniform approach across all non-remote gambling sectors. This will benefit the City Corporation as Licensing Authority under the Gambling Act 2005 (the Act), as well as responsible authorities and interested parties when considering new and variation applications. The local risk assessment will also enable the City of London Corporation to establish a more progressive compliance inspection regime.
- 1.5 Gambling operators had to undertake a risk assessment for all of their existing premises by 6th April 2016. Following that date operators must undertake a review of those assessments when certain triggers are met. These triggers, along with the Licensing Authority's views on what would instigate either a new assessment or the review of an existing one are detailed within this guidance document.
- 1.6 The Licensing Authority considers that these local risk assessments are a key component of the overall assessment and management of the local risks. The Licensing Authority will assist operators in this process by providing specific information on its concerns surrounding gambling within the City and the impact that premises can have on the licensing objectives through the development of a local area profile.

- 1.7 This local risk assessment process is not the same as other forms of risk assessment undertaken by gambling operators, such as Health and Safety at Work, Fire Safety and Food Hygiene, etc. These local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They are specific to the premises, the local area and the local community.

2. Background

- 2.1 The City of London Court of Common Council is the Licensing Authority for the City of London in terms of the Act. The Licensing Authority is responsible for considering and determining applications for premises licences which offer gambling facilities within the City of London.
- 2.2 The Act contains three licensing objectives which guides the way that the Licensing Authority performs its function and the way that gambling operators carry on their activities. They are:
- (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.
 - (b) ensuring that gambling is conducted in a fair and open way.
 - (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.3 The Act places a legal duty on the Licensing Authority to aim to permit gambling in so far as it thinks it reasonably consistent with the licensing objectives. The effect of this duty is that the Licensing Authority must approach its functions in a way that seeks to regulate gambling by using its powers where appropriate, for example to attach conditions to licences to moderate their impact on the licensing objectives, rather than by setting out to prevent gambling altogether.
- 2.4 The Licensing Authority will set out how it intends to carry out its functions under the Act in its Policy Statement. This statement is kept under review and is updated every three years (as a minimum).
- 2.5 The Commission is responsible for issuing operating licences to gambling operators who are deemed suitable and competent to provide facilities for gambling. As a requirement of these operating licences operators must ensure that they comply with and meet the requirements of the LCCP.
- 2.6 Although gambling is a legal entertainment activity it can, in some locations have a negative impact on individuals and the wider community. The City Corporation has understood its responsibility in trying to comprehend how gambling can affect its residents, work-force, and visitors. The City Corporation

has actively been examining individuals and vulnerable groups who are potentially susceptible to gambling-related harm.

- 2.7 In February 2015, following substantial consultation with relevant stakeholders the Commission introduced a new social responsibility code provision making it a requirement for certain gambling operators to assess the local risks to the licensing objectives posed by each of their premises based gambling operations. The Commission also introduced an ordinary code provision relating to sharing local risk assessments. Both provisions came into effect on 6 April 2016. The relevant provisions of the code state:

Social responsibility code provision 10.1.1

Assessing local risk

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences. This provision came into effect on 6 April 2016.

1. Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.
2. Licensees must review (and update as necessary) their local risk assessments:
 - (a) To take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
 - (b) When there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 - (c) When applying for a variation of a premises licence; and
 - (d) In any case, undertake a local risk assessment when applying for a new premises licence.

Ordinary code provision 10.1.12

Sharing local risk assessments

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences. This provision came into effect on 6 April 2016.

1. Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

- 2.8 These code provisions came into effect on 6th April 2016. As a result, all premises that provide facilities for gambling within the City of London must be assessed to identify the local risks posed by the provision of gambling facilities in their respective locations. This guide will assist operators in complying with these code provisions.

3. Risk assessment triggers

- 3.1 The local risk assessment code provisions provide a number of triggers for when a new assessment is required and for when an existing one requires review. This section sets out the Licensing Authority's views on what these triggers are and when operators should provide a copy of their assessments to the Licensing Authority.

New premises

- 3.2 If an operator intends to apply for a new premises licence under Part 8 of the Act then a local risk assessment must be carried out. That assessment should be based on how the premises are proposed to operate at the premises location and must consider the local area. The completed assessment should be provided with the application for a new premises licence upon submission to the Licensing Authority.

Significant changes in local circumstances

- 3.3 Operators are required to review their local risk assessment if significant changes in local circumstances occur. Changes to local circumstances happen frequently and can be either temporary or permanent depending on the change, how long that change will remain in place and how it affects the local area. However, the requirement for review of the risk assessment is only applicable when that change is significant.

- 3.4 The following list sets out some examples of what the Licensing Authority considers to be significant local circumstances:

- Any substantial building development or conversion of existing premises in the local area which may increase or decrease the number of visitors. For example, where a new office building is constructed nearby.
- Any new pay day loan or pawn brokers open in the local area
- Changes are made to the provision, location and/or timings of public transport to the local area, such as a bus stop which has been used by children to attend school is moved to a location in proximity to gambling premises or where London Underground services to a local station are extended later into the evening.
- Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment.
- The local area is identified as a crime hotspot by the police and/or Licensing Authority.
- Any vulnerable group which is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises (e.g. additional homeless hostels or gambling or mental health care/support facilities are opened in the local area).

- A new gambling premises opens in the local area.

3.5 The list above is not an exhaustive list of what could be considered significant changes in local circumstances. The Licensing Authority will provide information to gambling operators when it feels a significant change has occurred in the local area. The Licensing Authority will set out what that change is and may provide information on any specific concerns it may have that should be considered by operators.

However, operators must also consider what is happening in their local areas and it is their responsibility to identify significant changes which may require a review and possibly an amendment to their risk assessment. A significant change can be temporary, and any temporary changes should be considered and adjustments made to the local risk assessment if necessary.

Significant changes to the premises

3.6 From time to time operators will undertake a refresh of the premises' layout and décor, which is unlikely to prompt a review of the risk assessment for that premises. However, where there is a significant change at the premises that may affect the mitigation of local risks, then an operator must review its risk assessment and if necessary update it, taking into account the change and how it may affect one or more of the licensing objectives.

3.7 The following list sets out some examples of what the Licensing Authority considers to be significant changes to the premises (some of which may also require a variation to the existing premises licence). As with the examples of significant changes in local circumstances set out previously, the following list is not an exhaustive list – operators must consider whether any change that they are proposing to their premises is one that may be considered significant.

- Any building work or premises refit where gambling facilities are relocated within the premises.
- The premises licence is transferred to a new operator who will operate the premises with its own procedures and policies which are different to those of the previous licensee.
- Any change to the operator's internal policies which as a result requires additional or changes to existing control measures; and/or staff will require retraining on those policy changes.
- The entrance or entrances to the premises are changed, for example, the door materials are changed from metal with glazing to a full glass door or doors are reallocated from egress to ingress or vice versa.
- New gambling facilities are made available on the premises which were not provided previously, for example, bet in play, handheld gaming devices for customers, Self Service Betting Terminals, or a different category of gaming machine is provided.

- The premises operator makes an application for a licence at that premises to provide an activity under a different regulatory regime e.g. to permit the sale of alcohol.

3.8 The Licensing Authority will not, as general practice, request a copy of the reviewed risk assessment if a significant change to the licensed premises has occurred, unless the change is one that will necessitate a variation application.

Variation of the premises licence

3.9 Variations to premises licences are only those required to be made under section 187 of the Act and will not include changes of circumstances such as a change of premises' name or a change of licensee's address, etc.

3.10 When preparing an application to vary the premises licence the operator must undertake a review of the local risk assessment and update it if necessary. Operators submitting a variation application to the Licensing Authority should provide a copy of the reviewed local risk assessment when submitting the application.

Regular review of risk assessment

3.11 As a matter of best practice the Licensing Authority recommends that operators establish a regular review regime in respect of their local risk assessments. This review programme can be carried out alongside other reviews on Health and Safety risk assessments for the premises. This review programme would ensure that, regardless of whether any of the trigger events set out above have occurred, these risk assessments are considered at regular intervals and updated as necessary.

4. Local risks and control measures

4.1 There are two specific parts to the risk assessment process, the assessment of the local risks, and the determination of appropriate mitigation to reduce those risks.

4.2 The risks that operators must identify relate to the potential impact a gambling premises and its operation may have on the licensing objectives. The gambling operator will be expected to identify and list all of the local risks within the assessment. The level of such risks can range from being low to very high depending on the potential impact they can have on the licensing objectives. The level of any given risk will have a direct impact on the type and extent of the control measures necessary to mitigate such risk.

- 4.3 This process is not new to gambling operators as they are already undertaking elements of this assessment, albeit in a far less formalised way. Operators will already be assessing locations when looking for new sites or when reviewing the performance of their premises. The design of premises is also assessed to ensure that they will meet the needs of the gambling operation, will provide protection for staff and customers; and will have facilities for recording crime. Operators will also have implemented policies and procedures for the operation of premises in line with statutory and other regulatory requirements placed upon them by the Commission and other agencies.
- 4.4 Operators will already be familiar with identifying risks in relation to health and safety legislation. Risk assessments are also used for security and crime purposes, for example for money laundering and as part of trade association best practice, such as the Safe Bet Alliance.
- 4.5 This local risk assessment process, although similar requires a much broader range of considerations when identifying local risk. Operators must consider the local area in which the premises are situated, the gambling operation and the premises both internally and externally.

Local area risks

- 4.6 There are a number of factors relating to the local area that operators may identify as local area risks which are independent of who the operator believes is their target market. While it is for the operator to identify and determine these factors, the Licensing Authority considers the following list may be of assistance to operators in identifying local area risks:
- The types of premises and their operation in the local area surrounding these premises.
 - The footfall in the local area, for example, does it predominately comprise residents, workers or visitors.
 - Transport links and parking facilities.
 - Educational facilities.
 - Community centres.
 - Hospitals, mental health or gambling care providers.
 - Homeless shelters, hostels and support services.
 - The age and economic makeup of the local community
- 4.7 The local area will be different depending on the premises and the size of its operation.

Gambling operational risks

- 4.8 The gambling operation relates to how the premises will be or is run. This will include the operator's policies and procedures which have been put in place to meet the requirements of the business, the Act and/or specific code provisions within the LCCP. It will also include other elements such as:
- The gambling products it provides in the premises.
 - The facilities to enable gambling within premises.
 - Marketing materials within premises
 - Security and crime prevention arrangements.
 - Shop displays and provision of information to customers.
 - Staffing levels.
- 4.9 It is likely that the identification of risks associated with this element of the assessment will be very similar for all premises with slight variations depending on any specific factors that relate to the premises or the local area.
- 4.10 The control measures that operators will put in place to mitigate any risk associated with the gambling operation will be dependent on the type of gambling activities provided, how the company operates and the size of the organisation.

Premises design risks

- 4.11 The design of the premises is an extremely important factor when considering local risks. For example, premises which are located within an area which has a high number of children and young people present throughout the day may identify that their standard external design means that children and young people can see into the premises and see gambling taking place. The appropriate mitigation in this case may be for the operator to amend the premises design by installing a screen or by covering the windows to obscure the interior of the premises. Such changes would be considered as control measures to mitigate the risk of attracting children to gambling.
- 4.12 As part of the design process, the layout of the premises is a major consideration as poorly conceived design may create significant risks to one or more of the licensing objectives.

Interior design risks

- 4.13 The internal design and layout will reflect the premises operation and the type of gambling facilities that it offers. For some premises the design will be subject to certain limitations due to mandatory conditions on the gambling premises licence such as restrictions on the location of Automated Teller Machines (ATM's), and unobstructed views in placing Gaming Machines.

- 4.14 Operators will need to assess the risk presented by the internal layout of the premises and the location of gambling facilities within them. For example, if a gaming machine is placed within the direct line of sight of the cashier counter then staff will be able to monitor player behaviour and undertake interventions if there is a concern over the customers' spending habits. Staff can also monitor the use of the machines and can challenge any customers who are believed to be under the age of 18, or who damage the machines, or who appear to be attempting to launder money. By a simple assessment of the optimum location for these machines, operators can significantly reduce the risk to the licensing objectives.

Exterior design risks

- 4.15 The exterior of premises will be a major advertisement for the gambling operator. However, the design will need to be assessed based on the associated risk. Operators will identify the risk associated with the design and introduce control measures based on that perceived risk. For example, if the premises have a large amount of glass frontage in an area prone to criminal damage, operators may consider the risk of damage to the standard toughened glass to be high and introduce a control measure such as roller shutters and/or external CCTV.

Control measures

- 4.16 Depending on the nature of the risk factors, the control measures identified to mitigate the perceived risk may be a combination of systems, design and physical measure. Control measures that relate to systems will be measures that have been put in place through policies and procedures. These can either be systems that apply to all of the operator's premises or systems that have been developed specifically for particular premises to deal with a specific local risk factor. System control measures will include staff training, security policies and procedures. They may also relate to having security personnel on entrances, implementing membership criteria and/or providing support to local vulnerable groups through financial or other means.
- 4.17 Design control measures are measures that are built into the design of the premises. These can include the location of gambling facilities and the design and location of cashier counters within the premises, and the exterior design of premises. For example, a control measure for the interior of the premises could involve moving a cashier counter from the rear of the premises to the front next to the main entrance. An external design control measure may involve the exterior design being tailored to address local risks, for example, more open window displays to enable staff to see out of the premises or a design to avoid attracting children to the premises.
- 4.18 The final control measures relate to specific physical measure that will address an identified risk factor. These physical control measures may, for example,

include alarms, CCTV cameras, doors, magnetic locks, time locks on safes, window shutters, UV lights in toilets.

- 4.19 As aforesaid, the control measures identified to mitigate a perceived risk may involve a combination of systems, design and physical measures. For example to address the risk factors relating to children gaining access to an over 18 restricted gambling premises, the operator may identify the following control measures:

Systems: PASS card or age verification policies, challenge 21 scheme, staff training and door staff.

Design: Exterior design which will not attract children into the premises, the entrance layout will enable staff and security to watch those entering the premises and challenge them on the grounds of age.

Physical: Magnetic door locks, ID scans, and door staff.

- 4.20 As outlined in the code provisions, applications for new premises licences and for variations to existing licences will require a local risk assessment. The control measures specified in these risk assessments may be incorporated into the new or varied premises licences through the imposition of appropriate conditions.

5. Undertaking a local risk assessment

- 5.1 A local risk assessment of gambling premises should be embarked on through a step-by-step approach. The approach that the Licensing Authority suggests is to first assess the local area and identify the relevant risk factors, then to assess the gambling operation, and finally to assess the premises design, both internal and external. Once the risk factors have been identified, the control measures to mitigate the risks should be considered. These control measures will either already be in place or will need to be implemented. To assist, the Licensing Authority has developed a local risk assessment form that encompasses the step-by-step approach to the assessment (See Appendix A). While operators can develop their own style of local risk assessment, they are encouraged to have regard to the issues set out in this Guidance. The form also enables the assessor to identify actions such as the installation or production of control measures, the individual made responsible for carrying out those actions, and to record when those actions were completed.

Who should undertake the assessment

- 5.2 It will be the responsibility of the gambling operator to assign the assessor for assessing the local risks for their premises. The person assigned as the assessor must be competent to undertake this role as failure to properly carry out this function could result in a breach of the provisions of the LCCP. The assessor must understand how the premises operate or will operate, its design, and

where it is located. The assessor will need to understand the local area and can use staff or area managers to assist in gaining an understanding of that local area.

Step 1: The local area

- 5.3 Operators will be expected to identify the local risk factors surrounding the premises. The risk factors will differ from location to location therefore a clear understanding of the specific characteristics of the local area and the people who live, work or visit that area is imperative.
- 5.4 To assist in assessing the local area the Licensing Authority has produced a Local Area Profile within its Statement of Licensing Principles. The Local Area Profile sets out the demographic profile area of the City of London, and the specific concerns and risks that the Licensing Authority has identified in relation to gambling in those areas. The mapping tool can be found at [Profile Map](#).¹
- 5.5 The first step is to identify the local risk factors associated with the local area in which the premises are located. Local risk factors are risks that affect one or more of the licensing objectives. The Licensing Authority Statement of Licensing Principles will identify some of these risk factors which are considered to be of significance for areas of the City.
- 5.6 The list below is a small representative example of some of the risk factors that may be present in an area where gambling premises are located:
- The types of premises and their operation in the local area surrounding these premises.
 - Transport links and parking facilities.
 - Educational facilities.
 - Community centres.
 - Hospitals, mental health or gambling care providers.
 - Homeless shelters, hostels and support services.
 - Significant presence of young children.
 - High crime and unemployment area.
 - Nearby alcohol or drug support facility.
 - Pawn broker/pay day loan businesses, food banks and soup kitchens in the vicinity.
 - Other gambling premises in the vicinity.

1

http://www.mapping.cityoflondon.gov.uk/geocortex/mapping/?viewer=compass&runworkflowbyid=Switch_layer_themes&LayerTheme=Show%20the%20Gambling%20Risk%20Layers

Step 2: The gambling operation

- 5.7 In assessing the risk factors associated with a gambling operation the assessor should take into account the local risks which are commonly accepted by broader stakeholders and how that gambling operation may affect that risk.

The assessor may wish to consider:

- how the gambling operation will relate to how the operator conducts its business
- what gambling products it provides in the premises
- the facilities to enable gambling within the premises
- the staffing levels within the premises
- the level and requirement for staff training
- whether loyalty or account cards are used or not
- the policies and procedures it has in place in relation to regulatory requirements of the Act or to comply with the LCCP
- the security and crime prevention arrangements it has in place
- how it advertises locally and on the premises
- the marketing material within the premises
- the display and provision of information, including the ability to signpost customers to support services with respect to problem gambling, financial management, debt advice etc.

Step 3: The design of the premises

- 5.8 The design and layout of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives. In assessing the risk factors associated with the premises design and layout reference is needed to the local area risks factors already identified to ensure the design doesn't add to that risk. The design, both internal and external should be considered and specific risk factors identified and noted. For example:

- the premises may have a number of support pillars which the assessor identifies as obstructing the view of the gaming machines from the cashier counter.
- premises which are located within an area which has a high number of children and young people present throughout the day, may identify that their standard external design means that children and young people can see into the premises and see gambling taking place.
- if a premises has a large amount of glass frontage in an area prone to criminal damage, the assessor may consider the risk of damage to the standard toughened glass to be high.

These would be identified risk factors that would need to be documented.

Step 4: Control measures

- 5.9 Once the risk factors have been identified, the assessor should seek to identify control measures that would mitigate the identified risks. Such control measures will relate to one of the three categories of control measures mentioned above (systems, design and physical). Some risk factors may require a combination of control measures to adequately mitigate the risk.

Completed Assessments

- 5.10 The control measures must be implemented on the premises, and if applicable, staff on the premises should be trained in their use or trained on the new policy and procedure. The assessment must be retained and should be reviewed whenever a trigger occurs or as part of a regular review regime (as outlined).
- 5.11 Where appropriate the Licensing Authority will assess the risks identified and the measures implemented to mitigate those risks. When a completed assessment is provided with a new application or with a variation application, the Licensing Authority will consider the assessment in the course of determining whether to grant the application or not. Some control measures identified in the assessment may be put forward as conditions to be attached to the licence to address any significant local concerns.



Local Area Gambling Risk Assessment Template

Notes for completing this form

This risk assessment must be completed for all new premises or when the premises licence is varied. The assessment must also be reviewed when there are any significant changes to either the local circumstances and/or the premises.

Licensing Objectives:

The Gambling Act 2005 (The Act) gives Local Authorities responsibility for issuing premises licences for gambling venues. The Act requires that Local Authorities should 'aim to permit' premises licences so long as they are consistent with three objectives:

1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
2. Ensuring that gambling is conducted in a fair and open way, and
3. Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Risks:

Area of consideration that may impact on one or more of the licensing objectives.

Local Risks:

These are the identified factors that may pose a risk to licensing objectives by virtue of the provision of gambling facilities at the premises.

Control Measures:

These are measures that the operator can put in place to mitigate the risk to the licensing objectives from the risk factors.

Frequency of Review:

Operators will need to specify the time period in which a review of this risk assessment should be carried out. The frequency will be up to the gambling operator but it should be longer than 36 months.

Local Area Gambling Risk Assessment

Premises number or Licence No:

Ward:

Area (if applicable):

Premises address:

Category of gambling premises licence:

Name of person completing assessment:

Date of Assessment:

Review Date:

Notes:

1. Local Area

Licensing Objective		Risks	Existing Control Measures	Further Controls Recommended
1.1	Preventing Gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime			
1.2	Ensuring that gambling is conducted in a fair and open way			
1.3	Protecting children and other vulnerable persons from being harmed or exploited by gambling			

2. Gambling Operation & Physical Design (Internal and External) (and External)

Licensing Objective	Risks	Existing Control Measures	Further Controls Recommended
2.1	Preventing Gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime		
2.2	Ensuring that gambling is conducted in a fair and open way		
2.3	Protecting children and other vulnerable persons from being harmed or exploited by gambling		

3. Action Plan

Local Area Risk (insert number)	Gambling Operation and Physical Design Risk(insert number)	Question	Action required	Action by Whom (name)	Action by When (name)	Date completed

Committee(s)	Dated:
Licensing Committee	4 July 2018
Subject: Licensing Business Plan 2017-2020: Outturn Report	Public
Report of: The Director of Markets and Consumer Protection	For Information
Report author: Joanne Hill, Department of Markets and Consumer Protection	

Summary

This report provides an update on progress against the operational performance indicators (PIs) and improvement objectives outlined in the Business Plan of the Licensing Service of the Department of Markets and Consumer Protection (M&CP), during 2017-18.

The report consists of:

- Appendix A: Performance against operational performance indicators (PIs) and key improvement objectives

Key points from the report are that:

- All members of the Licensing Team have remained informed of amendments to the Licensing Act 2003 and other relevant legislation, and procedures have been updated accordingly.
- A Charity Collections Policy and associated procedures were introduced with effect from 1 November 2017.
- A public consultation was undertaken in relation to street trading. The Street Trading Policy will be amended as necessary to reflect the outcomes of the consultation.

Recommendation(s)

Members are asked to:

- Note the content of this report and its appendices.

Main Report

Background

1. The 2017-20 Licensing Service Business Plan sets out operational performance indicators and improvement objectives against which the Team's performance is measured.
2. The PIs and objectives were selected to be representative of the main elements of work carried out.

Current Position

3. To ensure that your Committee is informed of progress made against the Business Plan, details of the results of PIs (Appendix A) and progress made in implementing key improvement objectives (Appendix B) is reported. This allows Members to ask questions and have an input to areas of particular importance to them. Members are also encouraged to ask the Director for information throughout the year.
4. Progress against the Business Plan is regularly discussed by Senior Management throughout the year to ensure any issues are resolved at an early stage.

Corporate & Strategic Implications

5. The monitoring of PIs and improvement objectives links to all three of the Strategic Aims set out in the Corporate Plan 2015-19.

Financial Implications

6. The full year end financial position is detailed in the Chamberlain's Outturn report which has also been submitted to this Committee.

Risk

7. Risk is reviewed regularly by the Senior Management Team as part of the ongoing management of operations within the Division. In addition to the flexibility for emerging risks to be raised as they are identified, a process exists for in-depth periodic review of the risk register.

Departmental risk management process

8. Risk management is a standing agenda item at the bi-monthly Departmental Senior Management Group (SMG) meetings, over and above the suggested quarterly review. SMG receives the risk register for review, together with a briefing note highlighting any changes since the previous review. Consideration is also given as to whether any emerging risks exist for inclusion in the risk register as part of Divisional updates on key issues, ensuring that adequate consideration is given to operational risk.
9. Between each SMG meeting, risk and control owners are consulted regarding the risks for which they are responsible, with updates captured accordingly.

Identification of new risks

10. New and emerging risks are identified through a number of channels, the main being:
 - Directly by SMG as part of the monthly review process.

- In response to regular review of delivery of the departmental Business Plan; slippage against key deliverables, for example.
 - Annual, fundamental, risk register review, undertaken by the tier of management below SMG.
11. The Risk Register may be refreshed over and above the stated process for review and oversight, in response to emerging issues or changing circumstances.

Consultees

12. The Town Clerk and the Chamberlain have been consulted in the preparation of this report.

Appendices

- Appendix A – Progress against operational performance indicators and Key Objectives 2017-18

Background Papers

Licensing Service Business Plan 2017-2020
(*Licensing Committee 3 May 2017*)




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Department of Markets and Consumer Protection Licensing Service Business Plan Outturn Report 2017-18

Progress against Operational Performance Indicators

	This indicator performed to or above the target. (100% of the target or higher)
	This indicator is a cause for concern, frequently performing just under target. (85% - 99% of the target)
	The indicator performed below the target. (<85% of the target)

Performance Indicator	Annual result 2016-17	Target 2017-18	Annual result 2017-18	
Ensure that, within 12 months, 90% of premises entering the red or amber zone of the Traffic Light Scheme are brought back to the amber or green zone respectively.	95%	90%	95%	
100% of licences to either be renewed or appropriate legal action taken (in accordance with the PH&PP Enforcement Policy) within one month of the licence renewal date.	100%	100%	100%	
Receive more than 70 applications for the annual Safety Thirst Award Scheme from licensed premises, by the deadline of 31 May 2017 (i.e. an increase on the number received in 2016/17).	60	>70	59*1	
*1 Although resources were put into increasing the number of applications for the Safety Thirst Award Scheme, and targeting businesses with multiple outlets, we were not able to achieve 70 applications. Renewed efforts will be made in 2018/19.				
a) 90% of debts to be settled within 60 days.	86%	90%	98%	
b) 100% of debts settled within 120 days.	93%	100%	99.4%*2	
*2 Aged debt greater than 120 days (£510.00) relates to 2 debtors, both of which are being actively chased by the Licensing Team.				

Progress against key improvement objectives

Ref.	Objective	End of year progress update
1	Produce and publish a revised Statement of Licensing Principles under the Gambling Act 2005.	<ul style="list-style-type: none"> A draft policy went before Licensing Committee on 7 February 2018. Members approved the draft policy for public consultation. The consultation was carried out between 21 February and 9 April 2018. There were no comments received. To be progressed.
2	<p>Ensure provisions relating to the further amendment of the Licensing Act 2003 and other relevant legislation are complied with.</p> <p>Monitor relevant legislation for amendments, particularly those contained within the Policing and Crime Act 2017, The Immigration Act 2016, and those relating to Street Trading.</p> <p>Ensure all team members are aware of changes to legislation.</p>	<ul style="list-style-type: none"> Latest amendments to the Licensing Act 2003: <ul style="list-style-type: none"> 02/05/18 – Extension to licensing hours for Royal Wedding – all premises with permission to sell alcohol and hold regulated entertainment saw hours extended until 1am on Friday 18 into Saturday 19 May and until 1am on Saturday 19 May into Sunday 20 May. CoLP ensured compliance by venues. 01/05/18 – Section 182 guidance was amended to provide clarification on Temporary Event Notices (TENs), use of beer gardens and outdoor areas, time limits on hearing process and giving reasons for decisions. All noted by the Licensing Team and reported to Licensing Committee. <p>All Policing and Crime Act 2017 and Immigration Act 2016 amendments have been embedded in the Licensing Act 2003 and noted by the Licensing Team. Key changes relate to summary reviews and interim steps, cumulative impact assessments, late night levies and revised application forms.</p> <ul style="list-style-type: none"> No other recent changes.
3	Review and update relevant Licensing Policies to provide clarity and ease of use for applicants/ customers.	<ul style="list-style-type: none"> Gambling Policy as set out above The Licensing Policy was reviewed and approved by Licensing Committee in January 2017. Not due for review until 2022

Ref.	Objective	End of year progress update
4	Introduce a Policy, and associated procedures, for the issue of permits for charitable street collections and related street activities.	<ul style="list-style-type: none"> The Charity Collections Policy was approved at Licensing Committee in October 2017 and the policy became effective on 1 November 2017.
5	Revise the Street Trading Policy to make appropriate exemptions for the redevelopment areas around Aldgate and Middlesex Street.	<ul style="list-style-type: none"> Ongoing. A public consultation was completed in March 2018, taking into consideration the views of traders, residents and businesses in the area. The Licensing Team is awaiting the outcome of that consultation to determine any amendments to the policy. These will be reported back to the relevant committee.
6	Consult Late Night Levy payers for their views as to how the Levy monies should be spent.	<ul style="list-style-type: none"> To be progressed.
7	Enhance the M3 database to enable all remaining paper files to be disposed of and data relating to all licensing activities to be accessed electronically.	<ul style="list-style-type: none"> Ongoing.
8	Enhance systems to permit members of the public to apply for licences online.	<ul style="list-style-type: none"> Ongoing – part of a wider departmental project.
9	Refresh the current workforce plan to include upcoming proposed staff changes over the next two years.	<ul style="list-style-type: none"> Ongoing

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Violent Crime from Licensed Premises

Overview

From the 8th April up to 18th June 2018, licensed premises within the City of London have accounted for 47 violent crimes. This report covers a period of 72 days, the previous report covered a 91 day period during which 82 violent crimes occurred. The crimes comprise a variety of offences:

Grievous Bodily Harm -1 offence

Actual Bodily Harm -20 offences

Common Assault - 16 offences

Public Order -8 offences

Sexual Assault -2 offences

26 of the offences occurred at 12 premises accounting for between 2 and 4 crimes each. 55% of violent crimes during this period originate from these 12 premises.

Promoted Events

Of the 47 violent offences within this period a single crime occurred whilst a premises hosted a promoted event. During this period a total of 143 promoted events were held at City premises.

Traffic Light Scheme – In Context

Working from the 'Traffic Light Scheme- Top Premises Sheet', currently available, dated 1st December 2017 to 31st May 2018 there are 6 premises listed as 'red':

- Number 1:-Police are gathering together all relevant information regarding this venue in order to seek legal advice and inform appropriate action.
- Number 2:- Police have met with venue and area management and have submitted written recommendations. Police have obtained legal advice and at time of writing have a meeting planned for the 27th June with the company Operations Manager and lawyer in order to seek effective remedy for crime and disorder.
- Number 3:- Police met with the area and operations managers for the venue in January 2018. Management gave assurances that effective measures would be implemented which has been the case with no cause for concern at this time. Police remain vigilant.
- Number 4:- This venue is a very busy premises. Police have found the premises to be well managed and do not consider the level of crime and disorder to be disproportionate.
- Number 5:- Police visits to these premises have found them to be responsibly managed and the operators co-operate fully with police. Police do not consider this premises a cause for concern.
- Number 6:- Police visits to this very busy premises, in the most demanding of areas, have found the premises to be well managed. Management are fully co-operative with

NOT PROTECTIVELY MARKED

police and many incidents stem from door supervision enforcing a strict entry policy and managing intoxication.

Inspector Simon Douglas, Police Licensing Team

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