



## Licensing Committee

**Date:** WEDNESDAY, 24 OCTOBER 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
Deputy Keith Bottomley	Graham Packham
Mary Durcan	Judith Pleasance
Alderman Emma Edhem	James Tumbridge
Deputy Kevin Everett	Caroline Addy
Marianne Fredericks	Shravan Joshi

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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 4 July 2018.  

**For Decision**  
(Pages 1 - 8)
4. **MINUTES FROM LICENSING SUB COMMITTEES**  

**For Information**

  - a) **Byward Street Kitchen - TEN - Cancelled**
  - b) **Dion - 23 July 2018** (Pages 9 - 20)  
To receive the public minutes of the meeting regarding the application for Dion, Unit 6, Pasternoster Square, 65 St Paul's Churchyard, London, E1 7AW on 23 July 2018.
  - c) **Gremio de London Ltd – 24 July 2018** (Pages 21 - 32)  
To receive the public minutes of the meeting regarding the application for Gremio de London Ltd, 26A Savage Gardens, EC3N 2AR on 24 July 2018.
  - d) **Wright & Bell Ltd - 26 July 2018** (Pages 33 - 40)  
To receive the public minutes of the meeting regarding the application for Wright & Bell Ltd, Unit 10 Barts Square, West Smithfield, EC1A 9DS on 26 July 2018.
  - e) **BrewDog Retail Ltd - 31 July 2018** (Pages 41 - 48)  
To receive the public minutes of the meeting regarding the application for BrewDog, Unit 3, The Minister Building, EC3R 5EA on 31 July 2018.
  - f) **Stem & Glory - 2 October 2018 - Minutes To Follow**  
To receive the public minutes of the meeting regarding the application for Stem & Glory, 60 Bartholomew Close, EC1A 7BF on 2 October 2018.
  - g) **WW Devonshire Ltd - 11 October 2018 - Minutes To Follow**  
To receive the public minutes of the meeting regarding the application for WW Devonshire Ltd, Outside Courtyards, Devonshire, Square, EC2M 4YF on 11 October 2018.
5. **APPEALS AGAINST LICENSING (HEARING) SUB COMMITTEE DECISIONS**  
The Comptroller and City Solicitor to be heard.  

**For Information**

6. **ADVERTISING APPLICATIONS FOR PREMISES LICENCES IN A LOCAL NEWSPAPER, AS PER THE REQUIREMENTS OF THE LICENSING ACT 2003**  
Report of the Director of Markets and Consumer Protection.

\*There is a non-public appendix at Item No.13.

**For Decision**  
(Pages 49 - 54)

7. **GAMBLING ACT 2005: REVIEW OF STATEMENT OF LICENSING PRINCIPLES**  
Report of the Director of Markets and Consumer Protection.

**For Decision**  
(Pages 55 - 130)

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

**For Information**  
(Pages 131 - 146)

9. **DRAFT TRANSPORT STRATEGY AND LOCAL PLAN**  
The Strategic Transportation Group Manager to be heard.

**For Information**  
(Pages 147 - 148)

10. **VIOLENT CRIME FROM LICENSED PREMISES - TO FOLLOW**  
Report of the City of London Police.

**For Information**

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

12. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

13. **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.

14. **NON-PUBLIC MINUTES**

To agree the non-public minutes of the meeting held on 4 July 2018.

**For Decision**  
(Pages 149 - 150)

15. **ADVERTISING APPLICATIONS FOR PREMISES LICENCES IN A LOCAL NEWSPAPER, AS PER THE REQUIREMENTS OF THE LICENSING ACT 2003**  
Non-public appendix to be read in conjunction with Item No.7.

**For Information**  
(Pages 151 - 162)

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

## LICENSING COMMITTEE

Wednesday, 4 July 2018

Minutes of the meeting of the Licensing Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Wednesday, 4 July 2018 at 1.45 pm

### Present

#### Members:

Peter Dunphy (Chairman)	Marianne Fredericks
Sophie Anne Fernandes (Deputy Chairman)	Michael Hudson
Caroline Addy	Shravan Joshi
Mary Durcan	Graham Packham
Deputy Kevin Everett	James Tumbridge

#### Officers:

Leanne Murphy	- Town Clerk's Department
Simon Owen	- Chamberlain's Department
Rachel Pye	- Markets & Consumer Protection
Paul Chadha	- Comptroller & City Solicitor's Department
Jon Averbs	- Markets & Consumer Protection
Robert Breese	- Markets & Consumer Protection
Andre Hewitt	- Markets & Consumer Protection
John Peacock	- City of London Police
Simon Douglas	- City of London Police

#### 1. APOLOGIES

Apologies were received from Deputy Keith Bottomley, Emma Edhem, Deputy Jamie Ingham Clark, Andrien Meyers and Judith Pleasance.

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

There were no declarations.

#### 3. PUBLIC MINUTES

The public minutes of the meeting held on 25 April 2018 were approved as a correct record.

A Member noted that "TO FOLLOW" should be removed from the title of item 3.

It was noted that with reference to point surrounding the detrimental effect of overcrowding at the London Marathon discussed under item 11, it was a Licensing Committee matter as licensing police officers could instigate an alcohol ban in future.

## **Matters arising**

A Member noted that it would be useful to receive an email in advance of Committee meetings appointing Members to the Licensing (Hearing) Sub Committee asking Members to put themselves forward in case they are unable to attend the meeting in person. The Town Clerk advised the Committee that she had sent an email stating this prior to the last meeting and would continue to do so for future meetings.

### **4. LICENSING HEARINGS (SUB)**

#### **4.1 Merchant House**

The Committee were advised that the public minutes and decision notice of the hearing regarding the licensing application for Merchant House held on 20 April 2018 had not yet been finalised. The Town Clerk agreed to circulate the minutes to Members when they were signed off.

A Member that sat on the Sub Committee advised the Committee that the hearing had been straightforward, and the variation was approved.

#### **4.2 Enoteca**

The Committee were advised that this hearing was cancelled as the applicant withdrew their application.

#### **4.3 Gremio de London Ltd**

The Committee were advised that the hearing for Gremio de London Ltd on 26 June 2018 was adjourned on the day by the Sub Committee as it was deemed by the hearing panel to be in the public interest as the license holder was unable to attend the hearing or find a suitable representative to attend in his place and the parties making representations were also content for there to be an adjournment. It was noted that the public minutes were available in the supplementary agenda pack and a new hearing would take place on 24 July 2018.

A Member requested an explanation as to why the Sub Committee had to physically meet if they planned to adjourn the hearing. The Comptroller & City Solicitor explained that hearing regulations state that a Sub Committee has the power to adjourn a hearing but only once the hearing has begun. Members were advised that regulation 11 could have been used as this gives a local authority the option to postpone a hearing; however, on this occasion Counsel deemed this option to be problematic due to a tight timescale and a higher possibility that the license holder could win on default.

### **5. APPEALS AGAINST LICENSING (HEARING) SUB COMMITTEE DECISIONS**

The Comptroller & City Solicitor advised the Committee that there were currently no appeals.

### **6. 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 licenses, and variations to premises licenses,

granted under the Licensing Act 2003 by the Licensing Service from 1 April 2018 to 25 June 2018. The following comments were made:

- In response to a query regarding the current situation at Madison following historic problems at the premises, the Committee were advised that things had been positive since the hours were extended and there had been no problems.
- A Member queried what was meant by “referred other services” as an outcome for issues at Simmons Bar. The Committee were advised that this had been referred to the planning team due to a breach in planning use. Members were updated that following complaints in May, data was presented regarding noise which proved that the manager had not been truthful and was subsequently dismissed. No further complaints have been received to date since this action.
- A Member requested an update on Roma which remained an issue. The Committee were advised that intervention was taken regarding the management of Roma whereby a dispersal plan was given, and they would continue to be monitored at weekends.
- A Member queried how the list of complaints was compiled as it did not appear to include emails and physical complaints to the Police. The Committee were advised that the reports captured all recorded complaints including those received by the licensing team, the Police and Members.
- In response to a query regarding the variation of condition 6 at The Ned Hotel, Members were advised that no conditions had been requested by residents or the authorities.

**7. GAMBLING ACT 2005: REVIEW OF STATEMENT OF LICENSING PRINCIPLES**

The Committee considered a report of the Director of Markets and Consumer Protection regarding the review of Statement of Licensing Principles in line with the Gambling Act 2005. The following comments were made:

- The Committee were advised that the main difference in the report surrounded the change to regulations and a local area profile had been created for operators to consider.
- It was noted that there was a numbering glitch on pages 32 and 33 in the meeting papers but that the policy report was correct.
- The Chairman noted that the word “number” was to be deleted from the clause at 14.1 to ensure it did not contradict the second bullet under 8.30.
- A Member highlighted the previous request of the Committee that large reports that have changed and required additional consultation should

show track changes from the original document so that Members could clearly see what has changed and provide focused feedback. This was supported by Members and the Committee were advised that senior level guidance would go to authors to ensure future reports were provided in this format.

- A Member noted the variation of grammar across reports and highlighted the importance of using the correct use of the noun and verb when using of the word “license” (the noun is spelt licence and the verb is license). He requested consistency across documents and reports.

**RESOLVED** – That the Statement of Licensing Principles be circulated to the Committee in track-changes format after it is updated.

#### 8. **LICENSING BUSINESS PLAN 2017-2020**

The Committee received a report of the Director of Markets and Consumer Protection providing an update on the Licensing Business Plan 2017-2020. The following comments were made:

- The Chairman queried what action was being taken to resolve the glum face performance indicator of performing below the Safety Thirst participation target. The Committee were advised that despite resources being put into increasing the number of application received for the Scheme, the target of 70 applications was not achieved for 2017-18. Renewed efforts would be made with the aim of reaching the target this year.
- A Member queried the phrasing of “to be progressed” for objective 6 and highlighted the importance of the Committee knowing how and when this would be done in advance. Members were advised that consultation had not yet started so an update would not be available until work began in September.
- A Member requested a timetable for objective 8 regarding enhancing systems to permit members of the public to apply for licenses online. The Committee were advised that the Licensing Team were already trialling a new system.
- A Member requested a that the Committee be provided with a copy of the Late-Night Levy consultation and the opportunity for Members to provide input. A Member queried whether the levy had contributed towards the prevention of crime and disorder in the City since its implementation stating that it was important for the Committee to know the impact and effectiveness of the levy.
- A Member noted that more effort was required for the Committee to receive regular ongoing updates on impact and timings and felt that Members should receive the draft impact report before it is finalised. The Committee was advised that more regular updates on progress should be provided on a quarterly basis.

- A Member suggested asking premises that were not open after midnight whether they would if there was no levy.
- A Member stated that not all licensed premises were asked to take part in the Safety Thirst Award Scheme and it was noted that Ward Members used to receive a list of which premises had participated or not. The Chairman noted that the Committee was not a ward committee as all wards were not represented but agreed that all Common Councilmen Members should receive a list, so it was known who was not participating so they could be encouraged to do so. The Assistant Director of Public Protection agreed to share this information.
- The Assistant Director of Public Protection advised members that the deadline had been extended and was now flexible in an attempt to encourage more input, with the ceremony due to take place in October.

#### 9. **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 8 April to 18 June 2018. The following comments were made:

- Members were advised that the report covered a period of 72 days whereby there were 47 violent offences. During this period a total of 143 promoted events were held at City premises and a single crime occurred at a promoted event marking a significant improvement in management.
- A Member requested that the previous data be included in tabular form.
- It was noted that 55% of violent crime came from ten establishments and these should be focused on to keep crime down in the City. Members were advised that the top three establishments were most concerning and that the Police were looking to review premises 1 to put back its opening hours, premises 2 was given an ultimatum following legal advice and operation measure were requested and premises 3 was given a warning and with recalibrated expectations.
- A Member noted that premises 6's incidents came from enforcement of operations and questioned whether this should be on the list. The Committee was advised that all premises that encountered violence were on the list to ensure everything is tracked.
- It was noted that the vast majority of premises were cooperative with the Police and found it beneficial to use the Police service to establish risk and form partnerships.
- The Chairman thanked Inspector Douglas, who attended his last Licensing Committee before retirement, for all of his hard work and the successful transformation of the licensing police force. The Committee echoed this sentiment.

10. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

A new Committee Member requested that the Town Clerk provide her with hard copies of all important licensing documents.

11. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

The Chairman raised a number of items that he considered urgent.

**Revenue Outturn Report**

The Committee received a report of the Chamberlain and Director of Markets and Consumer Protection regarding the revenue outturn for the services overseen by your Committee in 2017/18 with the final budget for the year. Members were advised that the only variance was a matter in capital markets jurisdiction.

In response to a question regarding what the figure was for the cost of non-recoverable revenue, the Committee was advised that the cost of set services could not be recovered. Members requested that these items be listed in future reports and found it unacceptable that these costs could not be recovered.

**Peter Davenport**

The Chairman advised the Committee that Peter was having treatment and hoped to return to work in September. He thanked the licensing team for managing his workload. The Committee sent Peter their well-wishes and hoped he had a speedy recovery.

**Annual Dinner**

The Chairman advised Members that the Licensing Committee annual dinner would take place on the evening of Thursday 20 September with the exact timings and location still to be confirmed. The Chairman requested that Members send him the details of any suggested invitees to this event.

**Member Training**

The Chairman advised the Committee that some of the new Members had received some licensing training which was well received. It was recommended that new Members complete a personal license holder course and the Town Clerk agreed to arrange this for relevant Members.

12. **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.

13. **NON-PUBLIC MINUTES**

The non-public minutes of the meeting held on 25 April 2018 were approved as a correct record.

**14. DELEGATED DECISIONS OF THE DIRECTOR OF MARKETS AND CONSUMER PROTECTION PERTAINING TO PREMISES LICENCES - NON-PUBLIC APPENDIX**

The Committee received a non-public appendix report to the report under agenda item 5 pertaining to premises licences which included the names of each premises.

**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 was no other business.

**The meeting ended at 3.14 pm**

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Chairman

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## MINUTES OF THE LICENSING (HEARING) SUB-COMMITTEE

HELD ON MONDAY 23 JULY AT 12.30 PM

**APPLICANT:** Dion Ltd  
**PREMISES:** Dion, Unit 6, Paternoster Square, E1 7AW

### **Sub-Committee:**

Deputy Jamie Ingham Clark (Chairman)  
Deputy Keith Bottomley  
Mr James Tumbridge

### **Officers:**

Town Clerk – George Fraser  
Comptroller and City Solicitor – Paul Chadha  
Markets and Consumer Protection – Steve Aznar  
Markets and Consumer Protection – Rachel Pye

### Given Notice of Attendance:

### **Applicant:**

Ms Joanne Chalker – Owner, Dion Ltd.  
Mr Marco Denti – Manager, Dion Ltd.  
Mr Robert Wormald – Applicant's Counsel  
Ms Lisa Inzagi – Applicant's Instructing Solicitor

### **Making representations:**

Mr Philip Kolvin QC – Counsel, St. Paul's Cathedral School  
Mr Edward Stevenson – St. Paul's Cathedral School

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### **Licensing Act 2003 (Hearings) Regulations 2005**

A public Hearing was held at 12.30PM in Committee Room 1, Guildhall, London, EC2, to consider the representations submitted in respect of an application for a variation of license in respect of Dion, Unit 6, Paternoster Square, E1 7AW, the applicant being Dion Ltd.

The Sub-Committee had before them the following documents:-

Hearing Procedure  
Report of the Director of Markets & Consumer Protection  
Appendix 1: Copy of Variation Application  
Appendix 2: Conditions consistent with the operating schedule  
Appendix 3: Current premises licence including conditions  
Appendix 4: Representation from St Paul's Cathedral School

Appendix 5: Map of subject premises together with other licensed premises in the area and their latest terminal time for alcohol sales

a) Dion licensable activity times

Appendix 6: Plan of Premises

***The Sub-Committee comprised of Deputy Jamie Ingham Clark (Chairman), Deputy Keith Bottomley and Mr James Tumbridge.***

***Mr Philip Kolvin QC and Mr Edward Stevenson (speaking on behalf of St. Paul's Cathedral School) were present and made representations against the application.***

***Mr Richard Wormald (speaking on behalf of Dion Ltd.), Ms Joanne Chalker (Dion Ltd.) and Mr Marco Denti (Dion Ltd.) were present and made submissions in support of the application. Lisa Inzagi, the instructing solicitor for Dion Ltd., was also present.***

This decision relates to an application made by **Dion Ltd., 8<sup>th</sup> Floor, Becket House, 36 Old Jewry, London EC2R 8DD**. The application sought to provide the following activities:

Activity	Current Licence	Proposed
Supply of Alcohol	Mon, Tue & Sat 11:00 – 00:00 Wed, Thu & Fri 11:00 – 02:00 Sunday 12:00 – 23:30	Mon–Sun 10:00 – 02:00
Live Music, Recorded Music, Performance of Dance and anything similar to the above *	Mon, Tue & Sat 11:00 – 00:00 Wed, Thu & Fri 11:00 – 02:00 Sunday 12:00 – 23:30	Mon–Sun 10:00 – 02:00
Late Night Refreshment	Mon, Tue & Sat 11:00 – 00:00 Wed, Thu & Fri 11:00 – 02:00 Sunday	Mon–Sun 23:00 – 02:00

	12:00 – 23:30	
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\*The description of particular types of public entertainment that were previously licensable but are now de-regulated will be removed from the licence with the variation.

Following receipt of the Hearing agenda pack, an application for an adjournment of the hearing was submitted on behalf of the body making representations, St Paul's Cathedral School. The application referenced the fact that certain senior members of the body making representations were unable to attend on the date of the hearing. All parties were informed of the application and were subsequently notified that the Sub-Committee would hear any case made for adjournment at the commencement of the hearing on Monday, 23 July 2018. It was confirmed that no decision to adjourn would be made prior to this.

Before the commencement of the Hearing, all parties had received a supplementary pack from the applicant that included numerous images of the premises, customer testimonials as well as menus and drinks lists for their information.

At the commencement of the Hearing, all those present introduced themselves. The Chairman summarised the terms set out by the application for a variation in the premises licence and asked for confirmation that everyone agreed with what was being proposed.

Philip Kolvin QC, counsel speaking on behalf of St Paul's Cathedral School, explained that he would like to submit an application for the Hearing to be adjourned to a later date in which either the headmaster, Mr Simon Larter-Evans, or bursar, Mr Martin Kiddle, of the school would be able to attend to make representations personally. Mr Kolvin QC commented that it was at the Sub-Committee's discretion to adjourn the Hearing to a later date if they felt that it was necessary in order to hear the representations made. He also noted that he had been in contact with the applicant directly and they had previously agreed to accept an adjournment to a later date. The Chairman noted that the Hearing was bound by statutory regulation to commence on the agreed date, regardless of any subsequent decision made with regards to adjournment.

Philip Kolvin QC explained that without certain individuals from his client present he would be disadvantaged by an inability to take further instruction or to answer more detailed questions about the premises. He suggested that it would be unfortunate to proceed in light of this and requested that the Sub-Committee exercise their discretion to adjourn the Hearing.

A Member of the Sub-Committee sought clarification as to who was Mr Kolvin QC's client; St Paul's Cathedral School, or Mr Simon Larter-Evans. Mr Kolvin QC was initially unclear in his response, but eventually confirmed that he represented the school. The Sub-Committee noted that the School could be represented by a number of people and Mr Edward Stevenson, a resident teacher did appear with him. Mr Wormald commented that due notice of the

Hearing was provided to all parties and suggested that those making representation should make themselves available. Mr Kolvin QC explained that it had been expected that the matter could have been agreed administratively between all parties, noting that he had sought and obtained agreement from the applicant to adjourn prior to the Hearing.

The Chairman noted that, having opened the Hearing, the same panel would need to be available to reconvene. Mr Kolvin QC disputed this, commenting that there was no provision that stipulated this within The Licensing Act 2003. It was explained that it was the City of London Corporation's standard procedure to retain the same panel membership to conduct a hearing previously adjourned.

In absence of any further questions from the panel for those making representations, the Chairman invited the applicant to provide a response in light of the application for adjournment. Richard Wormald, counsel speaking on behalf of the applicant, noted that whilst his client had shown willingness to adjourn prior to the hearing, they argued that the significant cost of attending with legal representation only to adjourn until a later date was a significantly unfavourable option. Mr Wormald argued that Dion's application had been submitted accordingly, and with no evidence of complaint from Environmental Health, the City of London Police or any member of the public besides St Paul's Cathedral School, and with previous efforts by licensing officer Stephen Aznar to arrange a meeting with the school's headmaster, Mr Simon Larter-Evans, declined, it was unclear why there was any reason to adjourn. They noted that they had received notice of the hearing on 4 July, had subsequently prepared to present their case, and thus requested to the panel that the hearing proceed as planned.

In reference to the representations made, Mr Wormald argued that the points of objection raised by Mr Larter-Evans in his email of 1 June to the City of London Licensing team, included at Appendix 4, were general complaints of noise relating to New Change that should not be attributed to Dion.

A Member of the panel sought confirmation from both the applicant and those making representations around the dates that information had been submitted and received. All parties agreed that the application had been submitted by Dion Ltd. to the City of London Licensing team on 30 May 2018, an objection to the variation application was submitted by Mr Simon Larter-Evans on behalf of St. Paul's Cathedral School on 1 June 2018 and notice of the hearing date was provided to both parties on 4 July 2018. Mr Simon Larter-Evans had contacted the Town Clerk on 9 July 2018 to inform them that neither himself nor Mr Kiddle were able to attend the hearing date provided and submitted a formal application for adjournment on 11 July 2018.

A Member of the panel queried the contradiction between the applicant's statement objecting to the application for adjournment, and the apparent agreement that had taken place to accept adjournment prior to the meeting. Mr Wormald clarified that this agreement was made prior to attendance and, given the cost of attending multiple dates, this was no longer an agreeable option.

The Chairman asked Edward Stevenson what his qualification was for making representation on behalf of St Paul's Cathedral School in this regard. Mr Stevenson explained that he was until recently employed as a sports teacher at the school, and remains living on the site with his family, as he has done for a period of 17 years. Mr Stevenson confirmed the noise disturbances experienced late at night on the school site.

At 12:55, the Chairman thanked both parties and adjourned the hearing temporarily whilst the Sub-Committee deliberated the arguments made for and against adjournment to a later date.

At 13:10, the hearing reconvened and the Chairman explained that, upon deliberation of the evidence available and the statements heard by both parties, the panel had found no compelling argument in favour of adjournment and that to do so would not be prejudicial to either party's case. The Sub-Committee were content that the objectors had been given sufficient opportunity to present their objections in writing and in person and Mr. Stevenson was present to do this, and accordingly, the hearing would proceed as planned.

The Chairman invited those making representations to set out their objections to the application. Mr Kolvin QC, counsel for St Paul's Cathedral School, explained that the pupils attending the school rise early in the morning and go to bed around 21:00 each day. He noted that there was no air conditioning available, and as a result they would sleep with windows opened during warmer weather. He explained that Mr Stevenson also lived on site, as did the Headmaster of the school, two other families, two gap year students and two nurses. He explained that Mr Stevenson had emphasised the increase in noise late at night in recent years, predominantly caused by customers leaving bars. He explained that this occurred at any time, including as late as 3am. He emphasised concerns over the provision of tables and chairs outside the Dion premises, citing this as a cause for increased noise. He explained that St Paul's Cathedral School had yet to challenge the current situation with regards to increased noise created in the area and this should be noted when considering its current objection.

Mr Kolvin QC explained that the application submitted by Dion Ltd. was not in compliance with the City of London Corporation guidance and alleged that it was seeking to become a late-night drinking establishment. He proceeded to question aspects of the application with regards to live music, noting that such allowances, if granted, would offer substantial latitude for potentially disturbing noise. He also questioned the application for sale of alcohol for consumption both on and off the premises from 10:00.

Mr Kolvin QC questioned the request to remove existing conditions, arguing that this had been submitted without sufficient justification. In reference to paragraphs 27, 28, 35, 38, 39 and 41 of the City of London's *Statement of Licensing Policy 2017*, Mr Kolvin QC commented that there had been no attempt for Dion to adhere to the guidelines set out. Mr Kolvin QC claimed that, if approved, the variation in the terms of the license would grant Dion full

authority to conduct its business without restriction, noting also that such a license would prove to be a very valuable asset for onwards sale of the business.

Mr Kolvin QC argued that his client had already made significant sacrifices in tolerating the existing level of disturbance and asked, in reference to paragraph 77 of the *Statement of Licensing Policy 2017*, whether acoustic controls should be imposed on the site. He also argued that provision of door supervisors should be imposed, in accordance with paragraph 80(e) of the policy document. Mr Kolvin QC also argued that a capacity limit within the licence should be imposed. Mr. Kolvin QC took the Sub-Committee through the application and observed a number of points he said made it deficient or troubling including Box L regarding the opening times. He reviewed the existing conditions which he argued should be retained. In particular, he highlighted out the ancillary requirement with regards to alcohol sales, limits on audibility to be no more than 1 metre from the premises and the capacity limits. He also took the Sub-Committee through its licensing policy and discussed 13 different paragraphs of it, and various parts of the model conditions.

Mr Kolvin QC requested that, on the grounds that the insubstantial detail provided within Dion's application for a license variation renders the imposition of suitable conditions unfeasible, the variation be refused in its entirety. Mr Kolvin argued that the intentions of the applicant were not clearly obvious and suggested that there was a contrast between the promotional statements on their website that positioned the business as a late-night drinking establishment.

Mr Kolvin QC noted that the current requirement for Dion to apply for temporary event licenses limited them to 21 events per year and suggested that the reduction of paperwork was not a sufficient reason for approval of a variation of a premises licence.

The Chairman thanked Mr Kolvin QC for his statements and asked if Mr Stevenson had anything he would like to add to this. Mr Stevenson explained that there was significant noise at night and that the disturbances made it very difficult to sleep for him and his family. The Chairman asked if he had submitted any complaints, and he explained that he had not, but had only vocalised issues to his employer.

A Member of the panel asked whether there were conditions that the School wished to see imposed.. Mr Kolvin QC argued that there was insufficient information contained within the application to conceive of appropriate conditions without going through all the options, but suggested he could propose in the order of 30 conditions, so the preferable course was to reject the application.

The Chairman invited the applicant to make any statements in support of their application. Mr Wormald explained that Dion had an excellent record with not a single complaint ever submitted for disturbances. He argued that it was wholly unreasonable to request an exhaustive list of conditions to address every

possible eventuality, given that Dion has proved itself to be a responsible business. He argued that the intention of the licensing authority was not to create limitless regulation, but to achieve the licensing objectives in collaboration with business owners in the most efficient manner possible.

Mr Wormald responded to the claims of Mr Kolvin QC that the application was not insufficiently detailed by arguing that it was expected of applicants to address the main concerns in as concise a manner as necessary, allowing for responsible business owners to conduct their business in collaboration with the licensing authority rather than under the threat from the policing of innumerable conditions.

Mr Wormald suggested that if there had been serious identifiable concerns with Dion, then those making representations should exercise the opportunity to contact the business owners directly to make these apparent. Mr Wormald cited Dion's owner, Ms Joanne Chalker's previous employment as an accountant as he noted her dedication to conscientious management of her business. He commented also that Dion's general manager, Mr Marco Denti, was of a similar disposition.

Mr Wormald reiterated that there had been zero complaints received citing Dion and noted that the rate of crimes recorded at the site was just 6 per year, all of them petty theft. He noted that petty theft was almost impossible to eradicate and that these figures were very low for any venue containing a bar serving alcohol.

Mr Wormald stated that Dion was not a late-night drinking establishment as it had been portrayed by Mr Kolvin QC, noting that it was generally closed to the public at weekends. He explained that the venue experienced a significant drop in trade beyond 21:00 and was almost empty by 00:00. He argued that there was no live music, no promoted events and no shots at the venue, but rather a wine bar operating at a reasonably high price-point. He noted that staff had never experienced issues with troublesome customers or neighbours. He confirmed that their variation application had received no objection from Environmental Health or the City of London Police.

Mr Wormald cited another venue, Madison, and noted that it had been the subject of numerous restrictions placed on its licence. He argued that Dion was operating in a different manner to this and should not be considered an appropriate comparison. He noted that Dion received a large number of booking requests, many of which were rejected if they were deemed to be potentially large crowds heavily drinking.

Mr Wormald noted that Dion was currently Ms Chalker's principle business and as such she had no intention of selling it.

The Chairman thanked Mr Wormald for his statements and asked for confirmation that the intent was to remove all previous conditions imposed on the license and replace them with those proposed at Appendix 2. Mr Wormald confirmed this.

A Member of the panel asked if the sale of alcohol for consumption to the tables and chairs outside would stop at 23:00. Mr Wormald confirmed that this was the case. The panel member asked if they were prepared to accept further conditions beyond those proposed at Appendix 2. Mr Wormald confirmed this, noting that they would have been prepared to discuss these prior to the hearing taking place.

Mr Kolvin QC asked what the applicant's approaches were to live music and to capacity at the venue. Mr Wormald explained that there was no requirement for live music and explained that there was limited capacity for the bookable downstairs area used for private events. Mr Kolvin QC asked how they were able to measure and control the noise produced by the venue. Mr Denti explained that after 23:00 the door was kept closed and all customers were asked to be quiet when leaving the venue. He explained that they employed an individual to look after the security of the venue who would check on any issues in this regard. Mr Denti noted that the only music playing would be background music.

The Chairman asked the applicant what time they would usually expect to close on a Monday or Tuesday. Ms Chalker explained that they rarely took bookings on a Monday or a Tuesday and so would be content to use Temporary Event Notice applications in these cases.

At 14:18 the Chairman thanked all parties for their statements and adjourned the hearing so that the applicant could consider its position with regards to additional conditions.

At 14:31 the hearing resumed and the Chairman invited the applicant to consider four of the conditions that had previously been imposed, as referenced within Appendix 3, Annex 2 of the agenda, namely:

*1(v) - The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.*

*7 – No noise from any entertainment which takes place at the premises as a result of the exercise of this licence, shall be audible at a distance of one metre external to the nearest noise sensitive property.*

*8 – Where door supervisors are employed at the premises a register shall be maintained in which the name, SIA registration number and signature of all door supervisors employed shall be entered on a daily basis. Each entry must be verified by signature of the manager or such other person authorised by the management to do so. The register shall be available at all times for inspection by an officer of the Corporation or Police Officer.*

*9 – The total number of persons accommodated at any one time shall not exceed: Ground Floor – 160 persons, Basement – 110 persons.*

Mr Wormald confirmed that there was no explicit requirement to apply for a variation in licensed hours on Mondays or Tuesdays, nor to abandon the restrictions placed by conditions 1(v) and 7. In reference to condition 8, he noted that there were no SIA staff employed by Dion, and requested that this condition be restricted to Thursdays, Fridays and Saturdays only. He also confirmed that they would be happy to submit a dispersal policy if necessary.

The Chairman asked if the applicant would be willing to provide a telephone number that will enable residents to contact the venue should they be subjected to unacceptable disturbances. Mr Wormald confirmed that this would not be an issue.

Mr Kolvin QC argued, in reference to the Police Reform and Social Responsibility Act 2011, that there were no explicit rules demanding evidence in support of a reasonable and justifiable objection. He iterated that the intent of the Licensing Act 2003 was first and foremost to encourage the prevention of disturbances and disputes, rather than simply to resolve them. He noted, in reference to Mr Wormald's comments regarding an exhaustive list of conditions, that it was for the licensing authority to set out how they wish applicants to submit their applications.

Mr Kolvin QC claimed that Dion's application had flouted the policy documentation, though accepted that Mr Wormald had made some significant concessions during the hearing, leaving the question of Saturdays open for discussion. He suggested that if there would be no provision for live music, no licensable activity beyond midnight besides private parties then this would be acceptable. He noted however, that this would be in contrast to what was presented on Dion's website. He suggested that the capacity condition should be retained, querying why there would be a requirement to license the premises for numbers greater than 270. He asked why condition 7 should be removed and suggested that if it was then an appropriate acoustic policy should be put in place so that noise was not audible by residents. He also suggested that the policy should not be limited to the servicing of tables and chairs, but to anyone on the exterior of the premises. He argued that the exterior of the premises required supervision during night time operation for the sake of nearby residents.

Mr Wormald claimed that a responsible business operator has earned the right to be given responsibility for the considerate and appropriate management of his/her business. He claimed that no evidence had been put forward supported the argument that this was not applicable to the applicant.

Mr Wormald questioned Mr Kolvin QC's statements about live music, arguing that they were requesting a degree of flexibility in order to cater for their private functions appropriately.

At 14:50 the Chairman thanked both parties for their submissions and adjourned the hearing to consider their view on the application.

At 15:17 the hearing reconvened and the Sub-Committee concluded that, with the imposition of suitable conditions and an amendment to the terminal hours for licensable activities, it would be possible for the applicant to operate the premises in accordance with the licensing objectives with the proposed variation to their current license. The Sub-Committee sought to strike a balance for residents and business.

In reaching its decision, the Sub-Committee took into account the submissions made both in writing and verbally by those opposing the application. The Sub-Committee also took into account the fact that there had been no recorded complaints relating to the premises, nor any representations made by other responsible authorities. It was noted that, although representations were made regarding noise disturbance suffered by pupils and others resident at the school, there was no evidence directly linking such noise and disturbance to activities associated with Dion's operations. The Sub-Committee considered the concessions made by the applicant during the hearing, particularly with regards to operating hours on Mondays and Tuesdays. The Sub-Committee also took into consideration the applicant's proposal to adhere to the conditions referenced at Appendix 2 relating to CCTV, promoted events and the implementation of a dispersal policy.

It was the Sub-Committee's decision to grant the premises licence variation as follows:

Activity	Previous Licence	Variation to Licensed Hours
Supply of Alcohol	Mon, Tue & Sat 11:00 – 00:00 Wed, Thu & Fri 11:00 – 02:00 Sunday 12:00 – 23:30	Mon & Tue 10:00 – 00:00 Wed, Thu & Fri 10:00 – 02:00 Saturday 10:00 – 01:00 Sunday 10:00 – 23:30
Live Music, Recorded Music, Performance of Dance and anything similar to the above *	Mon, Tue & Sat 11:00 – 00:00 Wed, Thu & Fri 11:00 – 02:00 Sunday 12:00 – 23:30	Mon & Tue 10:00 – 00:00 Wed, Thu & Fri 10:00 – 02:00 Saturday 10:00 – 01:00

		Sunday 10:00 – 23:30
Late Night Refreshment	Mon, Tue & Sat 11:00 – 00:00 Wed, Thu & Fri 11:00 – 02:00 Sunday 12:00 – 23:30	Mon & Tue 10:00 – 00:00 Wed, Thu & Fri 10:00 – 02:00 Saturday 10:00 – 01:00 Sunday 10:00 – 23:30

\*The description of particular types of public entertainment that were previously licensable but are now de-regulated will be removed from the licence with the variation.

The Sub-Committee then considered the issue of conditions and concluded that, whilst it was acceptable to remove previously imposed conditions on the basis that they bore little relevance to the current licensing legislation, it was necessary, proportionate and appropriate to impose certain conditions upon the licence so as to address the concerns relating to the prevention of crime and disorder and the prevention of public nuisance:

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. (MC01)
2. There shall be no promoted events on the premises. A promoted event is an event involving music and dancing where the musical entertainment is provided at any time between 23:00 and 07:00 by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public. (MC02)
3. When the premises is carrying on licensable activities after 23:00 hours, at least 1 registered door supervisor(s) is(are) to be on duty at each door used for entry or exit. (MC07)

4. All doors and windows shall remain closed at all times after 23:00 hours during the provision of regulated entertainment save for entry or exit, or in the event of an emergency. (MC13)
5. A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours. (MC15)
6. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly. (MC16)
7. There shall be no sale of alcohol in unsealed containers for consumption off the premises after 23:00. (MC18)
8. The Licence holder shall make available a contact telephone number to nearby residents and the City of London Licensing Team to be used in the event of complaints arising. (MC19)

The Sub-Committee recommends that the applicant liaise with Environmental Health to satisfy its conditions and prepare a full and effective dispersal policy as a matter of urgency.

The Sub-Committee confirm that the decision is based on their assessment of the risks and the licensing objectives, and the focus of the Sub-Committee was on what was appropriate, in reaching their determination.

**The meeting ended at 15.20 pm**

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Chairman

**Contact Officer: George Fraser**  
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## MINUTES OF THE LICENSING (HEARING) SUB-COMMITTEE

**HELD ON TUESDAY 24 JULY AT 3.00 PM**

**APPLICANT:** Gremio de London Ltd  
**PREMISES:** 26A Savage Gardens, EC3N 2AR

**Sub Committee:**

Mr Peter Dunphy (Chairman)  
 Deputy Kevin Everett  
 Mr Graham Packham.

**Officers:**

Leanne Murphy - Town Clerk's Department  
 Paul Chadha - Comptroller and City Solicitor  
 David Smith – Director, Markets and Consumer Protection  
 Jon Averns - Markets and Consumer Protection  
 Robert Breese - Markets and Consumer Protection

Given Notice of Attendance:

**Applicant:**

Mrs Beverley Hurley	
Mr Leo Charalambides	FTB Chambers representing Beverley Hurley & 16 other residents

**License Holder:**

Mr Max Alderman	Director, Gremio
Mr Anthony Thomas	Business Partner, Gremio

**Making representations:**

Mr James Rankin	FTB Chambers representing the Responsible Authorities
Mr Gideon Stothard	Planning Authority
Mrs Siobhan Marshall	Environmental Health
Mr Andre Hewitt	Licensing Authority
Mr Nigel Bedford	Fire Authority
Ms Marianne Fredericks CC	Ward Member for Tower
Mr Keith Mansfield	Resident
Mr David Gillott	Resident - Crutched Friars RA
Mr Timothy Jordan	Resident
Mr Geoff Boyd	Resident
Pepys Street RTM	Resident
Mr Mark Field MP	Resident
Mr Alan Perrin	Resident
Mr Nigel Lall	Resident
R Robinson	Resident
Mr Mark Leverick	Resident
Mr Lopa Sarkar	Resident

Mr Ivan Morozov	Resident
Mr Mark Stewart	Resident
Mr John & Lynn Wood	Resident
Ms Jayne Evans	Resident
Mr Paul Pavlou	Resident
Resident	Resident
Mrs Luida Mahalski	Resident
Mr Anthony Mahalski	Resident
Frank & Margaret Robotham	Resident
Adrian & Carol Hall	Resident
Mr Nicholas Jepson	Resident
Mr Anthony Agoro	Resident
Mr Mark Rowan	Resident

**In Attendance:**

Mrs Beverley Hurley  
 Mr Leo Charalambides  
 Mr Max Alderman  
 Mr Anthony Thomas  
 Mr James Rankin  
 Mr Gideon Stothard  
 Ms Sue Bacon  
 Mrs Siobhan Marshall  
 Mr Andre Hewitt  
 Ms Marianne Fredericks CC  
 Mr Timothy Jordan  
 Mr Geoff Boyd

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**Licensing Act 2003 (Hearings) Regulations 2005**

A public Review Hearing was held at 3.00PM in Committee Room 1, Guildhall, London, EC2, to consider the representations submitted in respect of an application for a recorded music license in respect of Gremio de London Ltd, 26A Savage Gardens, EC3N 2AR, the applicant being Mrs Beverley Hurley.

The Sub Committee had before them the following documents:-

Hearing Procedure  
 Report of the Director of Markets & Consumer Protection  
 Hearing Procedure  
 Report of the Director of Markets & Consumer Protection
 

- i) Application for Review
- ii) Photographs in support of review application

 Appendix 2: Premises licence including conditions and plans  
 Appendix 3: Representations from responsible authorities
 

- i) Environmental Health
- ii) Planning

- iii) Licensing
- iv) London Fire Brigade

Appendix 4: Representations from Other Persons

- i) Pepys Street RTM
- ii) Gillot (Crutched Friars RA)
- iii) Marianne Fredericks CC
- iv) Mark Field MP
- v) Alan Perrin
- vi) Nigel Lall
- vii) R Robinson
- viii) Geoff Boyd
- ix) Mark Leverick
- x) Lopa Sarkar
- xi) Ivan Morozov
- xii) Mark Stewart
- xiii) John & Lynn Wood
- xiv) Jayne Evans
- xv) Keith Mansfield
- xvi) Paul Pavlou
- xvii) Resident
- xviii) Luida Mahalski
- xix) Anthony Mahalski
- xx) Frank & Margaret Robotham
- xxi) Timothy Jordan
- xxii) Adrian & Carol
- xxiii) Nicholas Jepson
- xxiv) Anthony Agoro
- xxv) Mark Rowan

Appendix 5: Licence holder representation

Appendix 6: Map of subject premises together with other licensed premises in the area and their latest terminal time for alcohol sales

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1. The Hearing commenced at 3.00 PM.
2. At the commencement of the Hearing, the Chairman invited the Applicant and those making representations to set out their objections against the Premises Licence Holder. Mr Charalambides summarised the grounds for the review and outlined the evidence provided in support of the claims. Mr Charalambides advised that the concerns of the Applicant were supported by a large number of residents and four responsible authorities, which necessitated a review of the premises licence.
3. Mr Charalambides highlighted that the Premises Licence Holder had already made a frank admission of the factual inaccuracies contained in the original application. It was noted that the City of London Corporation's Statement of Licensing Policy made clear that there was an expectation for applicants to carry out a full assessment of the local area for the operating schedule, and therefore it was surprising that the Premises Licence Holder had not recognised the residential buildings behind the premises. Mr Charalambides argued that the Sub Committee never would have approved the original application had they of been

aware that the premises was surrounded by residential not commercial properties as the proposed terraced area overlooks resident's properties and would hold a severe environmental health impact from noise and light disturbance and smoking.

4. Mr Charalambides advised that the City of London Corporation's licensing policy was based on statutory guidance and provided clear instructions of what was expected from applicants in their applications. He noted that S.182 guidance gave a clear expectation that resident's sleep would not be affected during the hours of 23:00 and 07:00 which would affect the residentially populated area. This was reflected in the Statement of Licensing Policy.
5. Mr Charalambides felt the solution to addressing the concerns of all parties was to 1) review the licensed hours and return the premises to restaurant conditions only, i.e. for drinking hours to cease at 23:00 hours on Monday to Saturday and 22:30 on Sunday with 30 minutes to close; 2) no use of the outside terrace except for fire safety; 3) that all windows and doors be restored to their original condition and kept closed to ensure no noise or light disturbance to residents; 4) that the capacity be 150 including staff as per the advice of the Fire Authority. Mr Charalambides concluded that the lack of clarity surrounding the use of the premises as a restaurant or late-night drinking establishment made it very difficult to appreciate the impact and recommended restaurant conditions to preserve the balance in the area which needed to be weighted by community impact. Mrs Hurley was happy with the conveyed view of her legal representative.
6. Mr Rankin advised that he was representing all four responsible authorities, none of which had objected to the original application as there was an expectation that the information provided by an applicant be honest which meant that issues had not been picked up the first time. Mr Rankin drew the Sub Committee's attention to the objection by Environmental Health which detailed public nuisance concerns and noted the photograph supplied marking the close proximity of the Applicant's bedroom window to the door of the premises which now had no wall to provide privacy.
7. Mr Rankin noted that they were not requesting that the licence be revoked, but that restrictions be enforced based on the extreme proximity of residents to the premises and that both terraces be removed. He stated that Environmental Health had carried out sound readings and concluded that public nuisance would be caused and that residents would be affected by the immediacy and nuisance from noise, light and smoking from the terrace. Mr Rankin proposed that the terrace be removed from the licensed area, and that conditions be imposed on the premises licence relating to the opening of windows and doors except in cases of emergency and a requirement that the brick wall that had been removed be reinstated.
8. Mr Rankin also highlighted the objection from the Planning Authority which noted that the change of use of the premises from a restaurant to a bar with terrace areas legally required a change of use license approval which the Premises Licence Holder did not have. Mr Rankin advised that enforcement proceedings might occur based on the works that had already taken place with a request for reinstatement of the wall. He stated that this was the position of the Planning

Authority due to the extreme proximity of the terraces to resident's properties and suggested that the Sub Committee also take this view.

9. Mr Rankin advised that the Fire Authority had identified a number of concerns including fire risks caused by the type of decking used, the shared use of the fire exit, the width of the fire exit, and risks from the cluttered passage out of the premises which had a number of air conditioning units and equipment preventing clear passage.
10. Mr Rankin summarised that the four responsible authorities recommended that the capacity of the premises be restricted to 150 people not 220, prevention of the use of the terraces, that hours be restricted to restaurant hours and that the use of windows and doors be restricted to emergency use only.
11. Ms Fredericks provided background information on the original restaurant which operated at the premises and had a licence until 11pm. This focused on the lunchtime trade and was rarely open later than 7pm. Ms Fredericks drew attention to the original plan provided by the Premises Licence Holder which she advised did not give a correct arrangement of the previous restaurant or the current state of the premises and felt that the Sub Committee had therefore been misled in the first Hearing.
12. Ms Fredericks advised that she had attended the Hearing but was only permitted to speak on behalf of the Hilton Hotel, who had objected, as her own objection was not received by the deadline for submitting representations. Ms Fredericks suggested that inadequate advertising by the Premises Licence Holder during the application process had prevented residents from objecting. She stated that the Premises Licence Holder was duty bound to research the area, local businesses and residents and failed to understand how over 100 flats could have been missed.
13. Ms Fredericks supported the recommendations to pull back the hours to restaurant timings, prevent use of the terrace and to reinstate the wall that had been removed on the basis of public nuisance and security for the residents. She also considered the concerns of the Fire Authority regarding escape from the premises in case of fire and the strength of the upper terrace to be highly concerning and highlighted the importance of a clear dispersal and management policy.
14. Mrs Marshall (Environmental Health) gave context to the sound figures she had obtained at the premises advising that the sound had reached 64db during a three-minute monitoring exercise. She advised that construction sites were given a limit of 65db meaning that significant noise volume would emanate from the terraces in this area and reflect off the enclosed walls. Mrs Marshall advised that ten people had been in the proposed terrace area in April and the noise from their conversations had been noticed by the residents in their flats.
15. The Chairman offered Ms Bacon, Mr Stothard and the residents in attendance the opportunity to speak. They all confirmed they were happy with the summaries presented to the Sub Committee on their behalf.

16. The Chairman asked Mr Alderman and Mr Thomas if they had any questions based on the comments so far. Mr Thomas stated that it was disappointing that the concerns brought today had not been provided 12 months ago as they could have been dealt with at that time. He was also surprised that Mrs Hurley, who lived next door, was unable to see the notice but that a local hotel did and managed to send an objection. Mr Charalambides stated that incorrect coloured notices, publishing in the wrong newspaper and two false statements had prevented an adequate response from residents or the responsible authorities but highlighted that licensing was forward-looking and that fresh circumstances were being considered following an admission of wrongdoing by the Premises Licence Holder.
17. Mr Thomas questioned how none of the responsible authorities had found fault with the initial application but did now. Mr Rankin advised that the authorities relied on the fact that the information in an application was correct.
18. The Sub Committee queried whether the new door inserted next to Mrs Hurley's bedroom window had originally been a functional door. Ms Hurley advised that this had originally been bricked up but there was a small door that was occasionally used by staff.
19. The Chairman invited Mr Alderman and Mr Thomas to set out their case. Mr Thomas introduced his application by explaining that whilst this was a new application, the premises had been licensed since at least 1969 and was largely surrounded by Fenchurch Train Station. He explained that the lease was purchased from Network Rail and most of the agreements for the premises were already in place including the timber clad terrace. Mr Thomas noted that they were not aware that the small window next to the door was a bedroom window.
20. Mr Thomas advised that the plan provided in the papers proved that the current layout predated Gremio and was mostly unchanged except for the back of house area to the kitchen and dining area for seated eating. He also confirmed that there would be a 50/50 share between food and drink at the premises.
21. Mr Thomas highlighted the difficulty in explaining licensable activity which had not yet commenced. He advised the Sub Committee that he and Mr Alderman had operated approximately 50 premises across London since 1999, had a good reputation and had followed the statutory requirements in respect of the notices which he insisted were blue. He explained that previous operations at the premises had been poor and saw this as a prime spot for future proofing, wanting the local residents to be customers. Mr Thomas advised that the work that had taken place to date was mainly to strip out the poor works to the archways from the 1980s and confirmed that the outdoor area to the rear of the premises had been used in the past approximately 15 years ago.
22. It was noted that the business operators were keen to find a solution as they had already invested significantly into this project and works were currently on hold. To alleviate concerns by residents, Mr Thomas offered to close all windows and doors by 10pm, agreed to insert a sound limiter and work with the neighbouring businesses to see if the units and equipment belonging to them and situated in the

rear outdoor area could be removed. He also advised that they were consulting with Network Rail to see if they could use the Ladbrokes site entrance.

23. Mr Alderman advised that the inaccurate information contained in the original premises licence application which stated that only commercial properties surrounded the premises had been a genuine mistake and he had admitted this at the Hearing in 2017 when Ms Fredericks raised this issue. Mr Alderman advised that he had sought advice regarding advertising from the City of London Corporation and that notices were published on blue paper but that the notice on the door had been bleached.
24. Mr Alderman advised that the premises would operate as a tapas style bar and that the whole concept would be changed if they were required to operate as a restaurant offering sit down meals. He therefore hoped to retain operating hours to at least midnight and stated that an appeal would be made if the decision was made to change to restaurant conditions. Mr Alderman hoped to retain use of the terrace and agreed to reducing the hours in which the terrace could be used for licensable activities and enforcement of no smoking on the terrace. He advised that the original plan had been for smokers to congregate at the front of the building but was advised to change this at the last Hearing, noting a change to the operating schedule would be needed to facilitate a different site for smokers.
25. Alderman indicated that he was open to sensible conditions considering the business was not operating yet. He highlighted that this was one of a number of businesses in the area which came with their own issues and had taken on the lease on the basis that the licensing application last year was successful.
26. The Chairman asked if there were any questions based on the comments in support of Gremio de London Ltd. Mr Rankin queried if the business partners had looked at the previous licence or plan of the previous restaurant at the premises. Mr Thomas advised that he was already familiar with the premises. Mr Rankin noted that even the most recent licence at the premises had not included licensing of the terraced areas.
27. Mr Rankin enquired as to whether the Premises Licence Holder would consider forsaking use of the terraced areas altogether. Mr Thomas agreed only to restrict the hours to 9pm. In response to a query regarding reducing the terminal hour, the Premises Licence Holder agreed he would consider this but no lower than midnight plus 30 minutes.
28. Mr Rankin also enquired as to whether a capacity limit of 150 people would be accepted. Mr Alderman advised that they would accept any recommendations from the Fire Authority but that plans were in place to make changes to allow for a capacity of 220 people which would be certified prior to opening the business which was standard practice.
29. The Sub Committee asked whether there would be one or two leases. Mr Thomas confirmed there was one lease.

30. Mr Charalambides noted that Mrs Hurley had advised that foam used for soundproofing in the arches had been removed from the brick. Mr Thomas advised that this was below a railway line and that any noise caused by the business would be significantly less.
31. The Sub Committee requested if the premises licence holder could provide an indication of the expected capacity in the three sections of the premises. Mr Thomas advised that this would be weather dependant but of the 220-person capacity there would be an approximate one third split in each area except in summer where 50-60 people would be expected in the terraced area. The snug area would generally be used for private parties of 10-20 people.
32. The Chairman then invited all parties to sum up their case. Mr Thomas and Mr Alderman stated that they did not deliberately mislead the original Sub Committee as suggested and immediately changed their application when the mistake was brought to their attention. They had never experienced any problems with applications in 19 years of working in this industry and did not understand how some people including Ms Fredericks were aware of the application, but residents nearby were not. Mr Thomas clarified that the site was taken on in good faith and the arches were taken back for restoration purposes. Mr Thomas believed the business would be good for the area and did not understand why they were being treated like irresponsible operators when there was no evidence of this. Mr Alderman noted that there had been more conditions proposed in the original application and they were happy to revisit these to have a more detailed operating scheme.
33. Mr Rankin summarised that an experienced Environmental Health Officer had given a detailed explanation of the concerns regarding the terrace which were missed the first time due to incorrect information in the application. He argued that the terrace needed to be removed and the hours of the business cut back as there were no number of conditions that could solve the problems that would impact the local residents.
34. Ms Fredericks concluded that she had never seen such a comprehensive list of experts providing evidence in one case and gave particular attention to the concerns raised by the Fire Authority. She noted that the original Hearing could not factor all concerns properly as it was based on false information and that this development had been extremely stressful to residents, particularly to Mrs Hurley. Ms Fredericks also stated that the Premises Licence Holder had only secured licensing approval and not planning consent for the terraces. She noted that a variation could be considered at a later date once the business had proven itself with restaurant conditions.
35. Mr Charalambides stated that there was concern that a licence had been given to people that disregarded the rules and found it concerning that Mr Thomas claimed that it was not for them to know and advise what was present in the immediate locality of the premises despite the City of London Corporation's guidelines to research the local area. He advised that the residents were still giving the Premises Licence Holder a chance to operate but did not feel the application clearly explained what the plans were for the business which was led only by

professional interest. Mr Charalambides highlighted that ten people engaged in a business meeting at the premises which caused noise disturbance to the residents. He also noted that despite the clear concerns identified and the investigated and expertly tested evidence, the Premises Licence Holder had no revised operating plan or model of management, no considered response or reference to the City of London Corporation's recommended models. Mr Charalambides therefore concluded that the licensable hours should be reduced to 23:00 hours on Monday to Saturday and 22:30 on Sunday, that the terrace is removed, no use of the doors or windows except in cases of emergency and restaurant conditions be imposed to limit impact on residents.

36. The Sub Committee considered the application and carefully deliberated upon the representations submitted in writing and orally at the Hearing by those making representations and the Premises Licence Holder. In reaching a decision, the Sub Committee were mindful of the provisions of the Licensing Act 2003, in particular the statutory licensing objectives, together with the guidance issued by the Secretary of State in pursuance of the Act and the City of London's own Statement of Licensing Policy dated January 2017. The Sub Committee placed the licensing objectives relating to the prevention of public nuisance and public safety at the forefront of its considerations.
37. In determining whether a public nuisance would arise, the Sub Committee relied upon the definition of "public nuisance" contained in Halsbury's Laws of England which defines public nuisance as "one which inflicts damage, injury or inconvenience on all the Queen's subjects or on all members of a class who come within the sphere or neighbourhood of its operation. The character of the neighbourhood is relevant to determination of the question of whether a particular activity constitutes a "public nuisance". As such, the Sub Committee were satisfied that the representations made by the Applicant and those parties in support of the application fell within the definition of "public nuisance".
38. The Sub Committee determined at the outset that, based on the evidence placed before it during the course of the hearing, it would not be necessary or appropriate to consider revocation of the premises licence.
39. The Sub Committee noted that this was a new business and, whilst noting that there were other licenced premises in the area, were conscious of the fact that the premises was located in a residential pocket of the City with close proximity to residential property. The Sub Committee accepted the residents' concerns as to the potential for noise disturbance and the invasive nature of the terraced area. The Sub Committee gave careful consideration as to whether it was possible, with the imposition of suitable conditions, for the terraced areas to operate without causing a public nuisance but concluded that, based on the evidence submitted, it was inevitable that a public nuisance would occur if use of the terraced areas was permitted. The Sub Committee were particularly concerned by the significant concerns raised by the Fire Authority which could not be ignored. It was also noted that the terrace areas had never been licensed in the past, forming part of the demised premises but not the premises licence.

40. In light of the concerns raised in respect of public nuisance and public safety, the Sub Committee decided that the use of the terraces for licensable activities could not be permitted and access to the terraces should be prohibited except in cases of emergency.
41. The Sub Committee then went on to consider the other representations made during the course of the Review Hearing and whether or not it was necessary or appropriate to place any further restrictions on the premises licence. The Sub Committee felt there was a viable business model and did not feel that imposing restaurant only conditions was necessary. The Sub Committee concluded that, with the imposition of suitable conditions and a slight reduction in the terminal hour for licensable activities, it would be possible for the Premises Licence Holder to operate the premises in accordance with the licensing objectives. The Sub Committee sought to strike a balance for residents and business.
42. It was the Sub Committee's decision to amend the permitted hours for licensable activities as follows:

Activity	Current Licence	Following the Review
Supply of Alcohol	Mon-Wed 11:00-00:00 Thurs 11:00-01:00 Fri-Sat 11:00-02:00 Sun 12:00-00:00	Mon-Wed 11:00-00:00 Thu-Sat 11:00-01:00 Sun 12:00-00:00
Late Night Refreshment	Sun-Weds 23:00-00:00 Thurs 23:00-01:00 Fri-Sat 23:00-02:00	Sun-Wed 23:00-00:00 Thu-Sat 23:00-01:00
Recorded Music	Sun-Weds 12:00-00:00 Thurs 12:00-01:00 Fri and Sat 12:00-02:00	Sun-Wed 12:00-00:00 Thu-Sat 12:00-01:00

43. The Sub Committee then considered the issue of conditions and concluded that it was necessary and appropriate to impose additional conditions upon the licence so as to address the concerns relating to public nuisance.
- There shall be no sale of alcohol in unsealed containers for consumption off the premises (MC18).
  - All doors and windows shall remain closed at all times during the provision of licensable activities save for entry or exit, or in the event of an emergency (MC13).
  - That capacity be limited to 150 persons (including staff).
44. The Sub Committee also recommended that the Premises Licence Holder liaise with the Environmental Health, Planning and Fire Authorities to satisfy their conditions as a matter of urgency.
45. The Chairman thanked all parties for their attendance and explained that written confirmation of the decision would follow.

**The meeting closed at 5.35 pm**

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Chairman

**Contact Officer: Leanne Murphy**  
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**MINUTES OF THE LICENSING (HEARING) SUB-COMMITTEE**

**HELD ON THURSDAY 26 JULY AT 2.30 PM**

**APPLICANT:** Wright & Bell Ltd  
**PREMISES:** Unit 10 Barts Square, West Smithfield, EC1A 9DS

**Sub Committee:**

Mr Peter Dunphy (Chairman)  
Mr Michael Hudson  
Mrs Mary Durcan

**Officers:**

Leanne Murphy - Town Clerk's Department  
Paul Chadha - Comptroller and City Solicitor  
Andre Hewitt - Markets and Consumer Protection

Given Notice of Attendance:

**Applicant:**

Craig Baylis	Bryan Cave Leighton Paisner representing Wright & Bell
Sarah Clarke	Managing Director of Wright and Bell Ltd
Nikki Dibley	Executive from Helical (Developers)

**Making representations:**

Brendan Barns	Resident
Deputy Clare James CC	Ward Member for Farringdon Within
Joel & Mrs Julia Chan	Resident
Veran Patel	Resident
Ann Holmes CC	Resident and Ward Member for Farringdon Within
Carrollanne Lindley	Resident
Natasha Curran	Resident
Nicholas Grosse	Resident
Peter Bowen	Resident
Rick and Susie Carrington	Resident
Wendy and James Darke	Resident
Deborah Tyler	Resident
Peter Bill	Resident
Laurent Veilex	Resident
Rebecca Lawes	Resident
Stephen Turner	Resident
Bernadette Skehan	Resident
Rachel Watkins	Resident
Wendy Darke	Resident
Philippe Berrah	Resident
Dorothy Audley	Resident
Catherine Cox	Resident

Paul Edwards	Resident
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**In Attendance:**

Mr Craig Baylis  
 Ms Sarah Clarke  
 Ms Nikki Dibley  
 Mr Brendan Barns  
 Deputy Clare James CC  
 Mr Joel Chan  
 Mr Veran Patel

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**Licensing Act 2003 (Hearings) Regulations 2005**

A public Hearing was held at 2.30PM in Committee Room 1, Guildhall, London, EC2, to consider the representations submitted in respect of an application for a recorded music license in respect of Wright & Bell Ltd, Unit 10 Barts Square, West Smithfield, EC1A 9DS, the applicant being Wright & Bell Ltd.

The Sub Committee had before them the following documents:-

Hearing Procedure

Report of the Director of Markets & Consumer Protection

Appendix 1: Copy of Application

Appendix 2: Conditions consistent with the operating schedule

Appendix 3: Representations from Other Persons

- i) Patel
- ii) Tyler
- iii) Curran
- iv) Bill
- v) CC Holmes
- vi) Veilex
- vii) Bowen
- viii) Carrington
- ix) Lawes
- x) Turner
- xi) Payne
- xii) Chan
- xiii) Skehan
- xiv) Watkins
- xv) Barns
- xvi) Darke
- xvii) Berrah
- xviii) Audley
- xix) Cox
- xx) Lindley
- xxi) Edwards
- xxii) CC James
- xxiii) Grosse

Appendix 4: Map of subject premises together with other licensed premises in the area and their latest terminal time for alcohol sales

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Appendix 5: Plan of Premises

1. The Hearing commenced at 2.30 PM.
2. At the commencement of the Hearing, Mr Baylis advised the Sub Committee and objectors that an amendment to the supply of alcohol schedule provided in the application was requested and the Applicant was now proposing the licensable hour for Saturday to terminate at 23:30 not 00:00. Mr Baylis also noted concerns of residents regarding outside drinking and confirmed that the Applicant would accept a condition that no sale of drinks would be permitted past 22:00 and that the external area would be cleared of patrons by 22:30. The Chairman stated that the application would be considered with these amendments.
3. The Chairman invited those making representations to set out their objections to the application. Mr Chan advised that he was supportive of a good quality restaurant in the area but had concerns particularly regarding the hours of serving alcohol and food in the external area. He noted that he was happy with the revised external hours but queried whether the hours for the internal restaurant could be reduced to 23:00. Mr Chan was also concerned regarding noise which would bounce off surrounding glass buildings and travel throughout the area and requested assurance that there were plans in place to deal with this. He also requested confirmation that there would be no loud live or recorded music at the premises.
4. Mr Barns advised that he had resided and worked in the area for 20 years. He claimed on behalf of the local community that they were not aware that a restaurant would be developed at these premises and did not believe the location was suitable due to its proximity to Barts Hospital and local residents. Mr Barns was concerned by noise nuisance throughout the day and night, particularly in the narrow passages being used by late night patrons. Mr Barns felt that there should not be an external area with tables and asked for strict limits on drinking and smoking outside the premises and the use of taxis by customers. He argued that a strict management plan was required for the three entrances to the premises and hoped there would be restrictions against having the windows and doors open. Mr Barns also noted that the Butcher's Hook and Cleaver pub was very noisy and did not want a similar situation at these premises.
5. Mr Barns stated that Little Britain had been closed whilst building work took place and felt that late night refreshments would be detrimental to the area as the later patrons could drink at the restaurant, the louder they would be travelling through the area. He asked that the doors be closed at 23:00 from Monday to Saturday and closed at 22:00 on Sundays.
6. Deputy James advised the Sub Committee that she was speaking on behalf of residents in the Ward of Farringdon Within who had approached her with their concerns. She advised that the development had allowed for a large restaurant in the former QEII building and residents only found out the location of the restaurant

when the application was submitted. Deputy James stated that residents were particularly concerned by noise from the premises, particularly the residents of the Spencer Heights and Bartholomew flats.

7. Deputy James advised the Sub Committee that the local community sought six restrictions on the business:
  - a) Only the entrance on the corner of Bartholomew Road to be used in and out of the premises.
  - b) The number of people waiting outside for a taxi or smoking to be monitored and not exceed four people.
  - c) All doors and windows to remain closed at all times except when entering the premises or for delivery purposes.
  - d) Implementation of a noiseless air conditioning unit.
  - e) No external area with tables.
  - f) Last orders for food to be 21:00 with the premises closing at 22:30.
8. The Sub Committee clarified that the condition regarding the air conditioning unit could not be imposed as this was a planning not licensing issue. The Sub Committee also did not believe a condition requesting no more than four people outside was enforceable or realistic. It was noted that a management plan could take into account the views of the local community, but this could not be placed as a condition of the licence. The Comptroller and City Solicitor added that if problems regarding noise were incurred by the local community, the business could be subject to a noise restriction under the Environmental Protection Act which would protect residents.
9. The Chairman then invited the Applicant to set out their case. In response to Mr Chan's question regarding music, Mr Baylis advised that a licence was not required for music before 23:00; however, music would only be used in the background and not as a primary use. Mr Baylis also clarified to Mr Barns that late night refreshment only concerned hot food and drinks and not alcohol. Mr Baylis advised the Sub Committee that when the plan was drafted, he was careful not to exceed the parameters and subsequently enforced a close time of 23:30 instead of midnight. It was noted that the proposed licence start time of 07:00 was for breakfast and patrons would only be able to consume alcohol if purchased with food until 11:00 when the bar opened.
10. Mr Baylis explained that a planning committee had put a host of conditions on the premises with plans for management of the doors, external area and air conditioning unit. He advised that smokers would be asked to stay to the side of the main entrance into the building and that the external area would be supervised at all times with the door at this section only being used to service this area.

11. Ms Dibley advised that throughout the development they had sought to respect the area with the aim of being the main building in Barts. She explained that a restaurant was planned since 2012 along with two other units and had sought high quality operators for the building to be a focal point for the community. Ms Dibley acknowledged the area was not just purely City with a hospital, offices and residents, but saw opportunities with the nearby Crossrail development. It was noted that the front “hero” entrance was selected for smoking as this was the least sensitive area as the door was opposite offices rather than flats. Ms Dibley confirmed that smokers would be managed and that the service entrance would be used for service only with plans set out in the management plan including use of light plants to clearly define the areas where patrons should be. She confirmed that the external area would be cleared at 22:30 but that furniture would not be moved inside until the terminal hour ended due to lack of space. Mr Baylis added that the Applicant would agree to a condition preventing smokers from bringing drinks outside.
12. Ms Dibley noted that the developers leased as experienced landlords and it was in their interest to manage the premises well for residents providing another layer of management for the premises. Mr Chan queried whether the general management could be worked into the licence. Ms Clarke advised that the operating schedule could not be licence conditions. Mr Baylis noted that it was not uncommon to have a condition for the licensee to hold quarterly meetings at the premises inviting the local community. The Chairman provided an explanation regarding conditions and the operating schedule noting that the latter was not legally part of the licence but if the licensee did not operate as stated then the residents could request a review of the licence.
13. Mr Barns queried why the restaurant needed to be open past 22:00. Mr Baylis noted that the terminal hour proposed in the licence was no later than other premises in the area and Ms Clarke stated that 23:30 was regarded a reasonable hour. Mr Barns disagreed noting that the local community did not feel this was reasonable.
14. Mr Chan stated that the local community needed to see an effective management plan laying out timescales and commitments. Mr Baylis noted that this could be discussed at the first meeting with residents.
15. The Sub Committee requested clarification regarding how the licensee planned to enforce that smokers could not go outside with drinks when there was an outside table area which did allow patrons to bring drinks outside and smoke. Ms Clarke advised that the smoking area at the front of the premises was separate from the external outside area and would be managed separately.
16. The Sub Committee noted that the outside area was on a public highway, legally any member of the public was entitled to sit in the external area and queried how this area would be managed if the furniture was still outside until the premises closed. Ms Clarke advised that the tables and chairs would be stacked so they could not be used until the furniture was brought inside. The Sub Committee noted that many venues in the City allowed patrons to drink and smoke outside around the premises. Ms Clarke clarified that smokers would only be allowed in

the clearly defined areas. The Sub Committee queried whether an operating schedule or management plan was already in place and were advised that there was not.

17. The Sub Committee noted the presumption that in quiet residential areas residents should not expect to hear noise from dwellings or licensed premises between 23:00 and 07:00. Mr Baylis advised that the planning conditions allowed for a licence until midnight and they had reduced the terminal hour. In response to a query from the Sub Committee regarding bottle banks, Ms Clarke advised that refuse, including bottles, would take place internally and therefore the noise would not affect residents.
18. Mr Chan concluded that he was happy with the reduced terminal hour for the external area; however, he noted that the internal terminal hour was still late and, unlike other licensed premises in the area, the premises was the only business in an enclosed residential area and would create noise issues for the residents.
19. Mr Barns summarised that he had been involved with the development unit from the beginning and that local residents had never been advised that the planning conditions allowed for a licence until midnight. He argued that the local community never would have agreed to midnight and recommended that this be reduced to 23:00.
20. Deputy James echoed the argument put forward by Mr Barns stating that it was not clear from application plans where the business would be located or what the hours would be. Deputy James agreed that the terminal hour should be reduced to 23:00 and highlighted the importance of the licensee consulting with residents when developing the management plan.
21. Mr Baylis concluded that the Applicant had attempted to be reasonable throughout and had already made a concession by reducing the terminal hour for the external area to 22:30.
22. The Sub Committee retired and considered the application and carefully deliberated upon the representations submitted in writing and orally at the Hearing by those making representations and the Applicant. It was evident that the most relevant licensing objective that required the Sub Committee's consideration was the prevention of public nuisance. In reaching its decision, the Sub Committee were mindful of the provisions of the Licensing Act 2003, in particular the statutory licensing objectives, together with the guidance issued by the Secretary of State in pursuance of the Act and the City of London's own Statement of Licensing Policy dated January 2017.
23. In determining what constituted a public nuisance, the Sub Committee relied upon the definition of "public nuisance" contained in Halsbury's Laws of England which defines public nuisance as "one which inflicts damage, injury or inconvenience on all the Queen's subjects or on all members of a class who come within the sphere or neighbourhood of its operation. The character of the neighbourhood is relevant to determination of the question of whether a particular activity constitutes a "public nuisance".

24. The Sub Committee regarded noise to be the principal concern to residents. The Sub Committee noted that this was a new business and, whilst conscious of the fact that the premises was located in a residential pocket of the City, also noted that other licensed premises operated in the area. The Sub Committee accepted the residents' concerns as to the potential for noise disturbance late at night but were confident that the measures proposed by the Applicant in an attempt to address these concerns would sufficiently reduce the risk of public nuisance. The Applicant had also offered to reduce the licensing hours on Saturday to 23:30 and not permit the sale of drinks in the external area past 22:00 which would be cleared of patrons by 22:30.
25. The Sub Committee concluded that, with the imposition of suitable conditions and a reduction in the terminal hour on some days of the week for licensable activities, it would be possible for the Applicant to operate the premises in accordance with the licensing objectives. The Sub Committee sought to strike a balance for residents and business.
26. It was the Sub Committee's decision to grant the premises licence as follows:

Activity	Current Licence	Licensing Hours
Supply of Alcohol	N/A	Mon-Wed 07:00 – 23:00
		Thu-Sat 07:00 – 23:30
		Sun 08:00 – 22:30
Late Night Refreshment	N/A	Thu-Sat 23:00 – 23:30
Hours premises are open to the public	N/A	Mon-Wed 07:00 – 23:30
		Thu-Sat 07:00 – 00:00
		Sun 08:00 – 22:30

27. The Sub Committee then considered the issue of conditions and concluded that it was necessary and appropriate to impose conditions upon the licence so as to address the concerns relating to public nuisance.
- a) All door and windows shall remain closed at all times save for entry or exit, or in the event of an emergency (MC13).
  - b) A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours (MC15).
  - c) Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly (MC16).
  - d) There shall be no sale of alcohol in unsealed containers for consumption off the premises save that sales for consumption at tables which benefit

from a licence granted to the applicant by the highway authority under S.115E Highway Act 1980 are permitted up to 22:00 hours (MC18).

- e) The Licence holder shall make available a contact telephone number to nearby residents and the City of London Licensing Team to be used in the event of complaints arising (MC19).
28. The Sub Committee also recommended that the Applicant formulate a management plan as a matter of urgency taking into account the views and concerns expressed by the local community.
29. The Chairman thanked all parties for their attendance and explained that written confirmation of the decision would follow.

**The meeting closed at 3.23 pm**

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Chairman

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## MINUTES OF THE LICENSING (HEARING) SUB-COMMITTEE

HELD ON TUESDAY 31 JULY AT 01.45 PM

**APPLICANT:** Brewdog retail limited  
**PREMISES:** Brewdog, Unit 3, The Minister Building, EC3R 5EA

**Sub-Committee:**

Michael Hudson (Chairman)  
Deputy Keith Bottomley  
Graham Packham

**Officers:**

Town Clerk – Richard Holt  
Town Clerk – George Fraser  
Comptroller and City Solicitor – Paul Chadha  
Markets and Consumer Protection – Andre Hewitt

Given Notice of Attendance:

**Applicant:** Ms Felicity Tulloch (Kuits solicitors) and Mr James Brown (Brewdog Operations Director)

**Making representations:**

Ms Marianne Fredericks	Ward Councillor
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**In Attendance:**

Mr Iain Simmons	Assistant Director (City Transportation)
Mr John Petrie	Ward Councillor

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**Licensing Act 2003 (Hearings) Regulations 2005**

A public Hearing was held at 01.45PM in Committee Room 1, Guildhall, London, EC2, to consider the representations submitted in respect of a variation application for a premises license for the sale of alcohol in respect of, Brewdog, Unit 3, The Minister Building, EC3R 5EA, the applicant being Brewdog retail limited.

The Sub-Committee had before them the following documents:-

Hearing Procedure  
Report of the Director of Markets & Consumer Protection  
Appendix 1: Copy of Application  
Appendix 2: Management Policy and Additional conditions  
Appendix 3: Premises License  
Appendix 4: Representation from Ward Councillor  
Appendix 5: Map of subject premises together with other Licensed premises in the area and their latest Terminal time for alcohol sales  
Appendix 6: Premises Plans

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The Hearing commenced at 01.45 PM.

1. At the commencement of the Hearing, the Chairman explained the produce of the hearing and introduced the Member serving on the Panel as well as officers.
2. Felicity Tulloch (Kuits solicitors) and James Brown (Brewdog) made submissions in support of the application. Mr Brown began by briefing providing the Sub-Committee with a contextual background to the company Brewdog Retail Ltd and Brewdog's site on Great Tower Street. He said that this premises is considered one of Brewdog's flagship locations and is used as a centre of excellence and training site.
3. Mrs Tulloch, the applicant's legal representative, explained to the Sub-Committee that the premises licence had been granted in February 2018 and that the external part of the demise had been used for eating and drinking from this time. Mrs Tulloch further noted that she was unaware of any premises in the local area of Great Tower Street which are required by their premises licence to limit outside patrons and maintained the application from her client was to simply achieve parity with similar establishments in the local area. Moreover, Mrs Tulloch drew the Sub-Committee's attention to the fact that none of the responsible authorities had chosen to make a representation against the application.
4. Mrs Tulloch informed the Sub-Committee that the applicant had been collaborative in the application process by being in contact with both the objector and the licensing authority before the notice of the hearing.
5. Responding to Mrs Tulloch's suggestion that Great Tower Street was a secondary highway (because it had a 20 mph speed restriction) the Sub-Committee Chairman explained that the whole of the City of London, with some exceptions which fall under TFL's jurisdiction, had a twenty mile an hour speed limit and that he considered Great Tower Street, a bus route, to be a busy highway for traffic and pedestrians.
6. The applicant provided the Sub-Committee with a proposed 'External Area Management Policy' and explained that they would be content to have the specifics of this Policy enforced as conditions of the Licence should the application be granted. The 'External Area Management Policy', was presented to all parties present and was considered by the Sub-Committee, included the following points:
  - There shall be no sales of alcohol in open containers for consumption off the premises after 11pm.
  - The external pavement area shall be cleared of patrons by no later than 11pm.
  - When the premises is carrying on licensable activities at least 2 meters of clear, unobstructed access for

pedestrians must be maintained on the pavement external to the pavement at all times.

- When the premises is carrying on licensable activities after 17:00 hours on Wednesday at least two registered door supervisors shall be on duty, and after 17:00 hours on Thursday and Friday at least 5 registered door supervisors shall be on duty, to monitor the outside area.
  - The premises licence holder shall ensure that members of staff (and door staff when employed) monitor and manage customers who wish to drink, dine or smoke outside of the premises, so as to ensure that no nuisance is caused by them.
  - Bins shall be provided for smokers to dispose of cigarette litter.
  - Signs will be displayed in appropriate locations requesting customers keep noise to a minimum.
  - Patrons who disregard the signage and verbal instructions regarding noise will be asked inside/or to leave the premises.
  - The external area used by customers shall be covered by premises' CCTV system.
  - The area will be cleaned regularly throughout its use, and at the end of each evening, to include the sweeping and washing of the pavement.
  - Empty glasses shall be cleared and collected promptly
  - Breakages and spillages shall be cleared and cleaned promptly.
7. Mrs Tulloch also informed the Sub-Committee that a Member for the Ward of Billingsgate Common Councilman John Petrie, who was present at the hearing but not able to give evidence or address the Sub-Committee as the licensing authority had not been informed prior to the hearing, was in support of the application. The applicant and the legal representative summarised their points by stressing their commitment to the 'External Area Management Policy' and asking the Sub-Committee to note that, with the exception of the noted incident in May 2018, the current external area had been managed well.
8. The Sub-Committee Chairman then invited Ms Fredricks to ask questions of the applicant.
9. Ms Fredericks began by asking the applicant how the premises planned to resolve the issue operational issues in controlling those patrons outside of their demise. James Brown answered this point by explaining the provisions described 'External Area Management Policy' and the skill of the staff on the premises.
10. Responding to a point made in the applicant's representation Ms Fredericks further questioned the applicant as to why they believed that the patrons of other premises would bring alcoholic drinks, purchased at

other premises, with them when standing on the street adjacent to the Brewdog. James Brown replied that he attributed this to the lower costs at other premises.

11. The Sub-Committee Chairman then invited the other Members of the Sub-Committee to ask the applicant their questions.
12. Members began by asking the applicant what percentage of the pavement the applicant would estimate would be left free for the pedestrians. The applicant replied that an accurate percentage was not available, but 2 meters would be left clear, as outlined in the 'External Area Management Policy'.
13. Members further questioned the applicant on the issue of vertical drinking outside of the premises demise using an image taken from the website TripAdvisor. The applicant answered this by suggesting that this image was most probably taken during a brief period during which the premises struggled to fully control vertical drinking and that this had now been resolved.
14. A Panel Member regarding the licensing team's inspection in May of 2018 and why it was that the premises had the issues. The Applicant replied that the premises management had been surprised by their customers desire to use the outside space and this, coupled with the warmer weather, had caused the issues. The applicant went onto reiterate that the new management policy had resolved these issues.
15. The Chairman invited Ms Marianne Fredericks (Common Councilman) to outline her reason for submitting an objection against the application for a variation on the premises license from Brewdog retail limited. Iain Simmons Assistant Director (City Transportation) was also present however as all parties had not been made aware of his role as a witness, further to advice from the Comptroller & City Solicitor's representative, it was explained that Mr Simmons could only confirm the evidence provided in advance of the hearing and not provide any further evidence of his own.
16. Replying to the concerns raised by the applicant's legal representative the Sub-Committee Chairman informed the applicant that all of the members of the Sub-Committee were fully aware of the details of the locality, two of the three Members serving on the City of London Corporation's Planning and Transportation Committee, so any information regarding traffic management provided by Mr Simmons would not impact on the decision made.
17. Ms Fredericks listed the reasons which she felt were important when considering the application.
18. Firstly, Ms Fredericks began by outlining how an increased number of patrons outside the external area of the demise of the premises would

likely affect pedestrian safety as they are forced toward, and on occasion into, the road to avoid them. Ms Fredericks informed the Sub-Committee of a specific instance she witnessed on the 4th May 2018 when almost the entire pavement was blocked by patrons of Brewdog's premises.

19. Secondly Ms Fredericks also drew the Sub-Committee's attention to an inspection of the Premises by members of the licensing team during which in excess of 50 customers were drinking outside of the licensed demise of the premises in breach of the licence and much of the pavement was blocked causing pedestrians to be forced into the road to pass by. During this inspection it was also noted that some staff members at the premises were not aware of the requirement of the premises licence detailed in Annex 2 condition 3. The Sub-Committee considered a letter dated the 22nd of May 2018 provided by the licensing officer which provided further details of the inspection. While Ms Fredericks agreed the management of outside drinkers by the premises staff had improved since this incident noting that this was due to the current licence condition which permitted sales only within the demise of the premises which allows the premises staff to be more active in the management of their customers.
20. Thirdly Ms Fredericks explained to the Sub-Committee that Great Tower Street is currently unusually quiet in terms of traffic due to the repairs being performed on a nearby gas main and that the increased traffic after the completion of these works would likely exacerbate the effect on public safety. Finally, Ms Fredericks explained to the sub-committee that she felt the applicant's proposed External Management Policy would be unworkable in practice highlighting the issue of five door staff managing a frontage of approximately 80 metres and that the premises would not have any authority to manage the behaviour of patrons outside of the premises boundary.
21. The Chairman then invited the applicants to set out their case. The applicant did not have any questions of the objector.
22. The Chairman then invited questions from the Sub-Committee, as follows: firstly, the Sub-Committee asked Ms Fredericks how much room she estimated was free between the extent of premises and the bike racks present on the road. Ms Fredericks explained that she thought there was less than 2 meters and highlighted that the traffic was likely to increase.
23. At 02:50pm Mr Iain Simmons left the hearing.
24. The Sub-Committee asked Ms Fredericks if she was aware of the exact number of residents in the local area. Ms Fredericks replied confirming that she did not have an exact number for the resident population.
25. Further the Sub-Committee questioned what distance left free for the pedestrians Ms Fredericks would find satisfactory. Ms Fredericks

responded that whatever distance the Sub-Committee chose she was not confident that the premises could control patrons off the premises.

26. The Chairman informed the parties they would be notified of the decision as soon as possible any in any event within five working days. The Sub-Committee then retired to consider the application. The Sub-Committee retired at 03:15pm.

- 1) The sub-committee considered the application and carefully considered the representations submitted in writing and orally at the hearing by the Applicant and Applicant's legal representative Ms Felicity Tulloch and Mr James Brown, by Ms Marianne Fredericks.
- 2) In reaching its decision the sub-committee were mindful of the provisions of the Licensing Act 2003. in particular the statutory licensing objectives, together with the guidance issued by the Secretary of State in pursuance of the Act and the City of London's own Statement of Licensing Policy dated January 2017. In this instance, the Sub-Committee determined that the relevant licensing objective was that of public safety.
- 3) The Sub-Committee concluded that, in the event that the application was granted, there was a probable risk to the public safety of pedestrians passing and re-passing along the pavement on Great Tower Street outside the premises. In reaching this conclusion the Sub-Committee took into account that the frontage of the premises extended for a considerable distance along the length of Great Tower Street; there was a bus stop located directly outside the premises and a bicycle rack situated at the junction of Great Tower Street and Mark Lane; Great Tower Street was a busy pedestrian thoroughfare during rush hour periods; and Great Tower Street also handles a considerable amount of traffic although this was not currently the case due to the presence of roadworks which restricted vehicular access to and from Eastcheap and Great Tower Street. As such the Sub-Committee resolved that there was a strong likelihood that pedestrians would not be able to pass freely along the pavement outside the premises and could be forced into the road. Furthermore, members of the public wanting to use the bus stop could have difficulty doing so and the presence of the bicycle rack at the junction could create additional pedestrian congestion.
- 4) The Sub-Committee considered the Applicant's submissions that other licensed premises did not have conditions on their licences restricting outside drinking but noted that many premises had licences issued under previous licensing legislation and had rights that were "grandfathered over" when the responsibility for licensing was transferred to local authorities; and the fact one licensed premises did not have a condition preventing open containers of alcohol being removed from the premises did not mean such a condition

should not be imposed as a licence condition in respect of other premises.

- 5) The Sub-Committee also noted that there had been earlier instances of the Applicant's patrons drinking on the pavement which had required the intervention of the licensing authority.
- 6) The Sub-Committee then went on to consider whether the measures put forward by the Applicant and detailed in its "External Area Management Policy" were sufficient to allay the Sub-Committee's concerns. The Sub-Committee were of the view that the Applicant's undertaking that it would maintain a clear and unobstructed 2 metre wide access for pedestrians was inadequate and, ultimately, unachievable. The Sub-Committee also considered whether alternative measures (such as a greater clear and unobstructed access for pedestrians; or a defined clear and unobstructed access for pedestrians or maximum pavement usage, which ever gave the greater unobstructed access for pedestrians) could be granted and whether any conditions that might be imposed, if the application was granted, would be enforceable. The Sub-Committee did not accept that the Applicant would be able to exert control over patrons who were not within the curtilage of its premises and that door supervisors had no authority over persons who were on the public highway and consequently would be unable to manage the area in the manner in which it proposed, and that it would not be possible to impose a clear and enforceable condition to govern use by patrons of the premises once those patrons were on the public highway.

27. The Sub-Committee concluded that in light of its concerns in respect of the public safety of pedestrians using Great Tower Street and the Applicant's inability to effectively address these concerns the application is refused.

**The meeting closed at 03:15 pm**

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Chairman

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# Agenda Item 6

<b>Committee(s)</b>	<b>Dated:</b>
Licensing	<b>24<sup>th</sup> October 2018</b>
<b>Subject:</b> Advertising applications for premises licences in a local newspaper, as per the requirements of the Licensing Act 2003	<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Decision</b>
<b>Report author:</b> Robert Breese - Licensing	

## Summary

The purpose of this report is to clarify the guidance the Licensing Authority provides in relation to the requirement to advertise an application for a premises licence in a 'local newspaper' under section 17 (5) of the Licensing Act 2003 and Regulation 25 of the Licensing Act 2003 (Premises and Club Certificates) Regulations 2005.

There are five newspapers with circulations within the City of London that can be assessed in relation to their suitability, and it provides an opportunity to review the guidance we currently give to applicants, both verbally and on our website.

## Recommendation(s)

Members are asked to:

- Consider which of the five newspapers the City of London considers to be 'local newspapers' in which to advertise a licensing application, and
- Agree the final text of the guidance the Licensing Authority gives in relation to this.

## Main Report

### Background

1. A query was received in March 2018 as to whether the Islington Tribune is a valid newspaper in which to advertise licensing applications. It prompted the Licensing Authority to seek information from all known newspapers distributing within the City, detailing regularity of publications, numbers published, and locations where distributed. Upon receipt of that information which is summarised in paragraphs 3 to 7. It is apparent that the current guidance given in relation to newspaper advertisements requires review.
2. There are five 'local newspapers' that are routinely used to advertise licensing applications in the City: London Evening Standard, Metro, City AM, City Matters (formerly the City of London and Dockland Times) and Islington Tribune.
3. The London Evening Standard is published daily, with approximately 100,000 copies distributed within the City of London. The locations at which they distribute are as below, largely based in fixed racks in and around London transport hubs:

Aldgate, Aldgate East, Bank, Barbican, Blackfriars, Cannon Street, City Thameslink, Fenchurch Street, Liverpool Street, Ludgate Thameslink, Mansion House, Monument, Moorgate, St Pauls.

4. The Metro is published daily, with approximately 7,500 copies distributed within the City of London. The locations at which they distribute are as below, largely based in fixed racks in and around London transport hubs:

Aldgate, Aldgate East, Bank, Barbican, Blackfriars, Cannon Street, City Thameslink, Fenchurch Street, Liverpool Street, Ludgate Thameslink, Mansion House, Monument, Moorgate, St Pauls.

5. City AM is published daily, with approximately 9,500 copies distributed within the City of London. The locations at which they distribute are as below, largely based in fixed racks in and around London transport hubs:

Aldgate, Aldgate East, Bank, Barbican, Blackfriars, Cannon Street, City Thameslink, Fenchurch Street, Liverpool Street, Ludgate Thameslink, Mansion House, Monument, Moorgate, St Pauls.

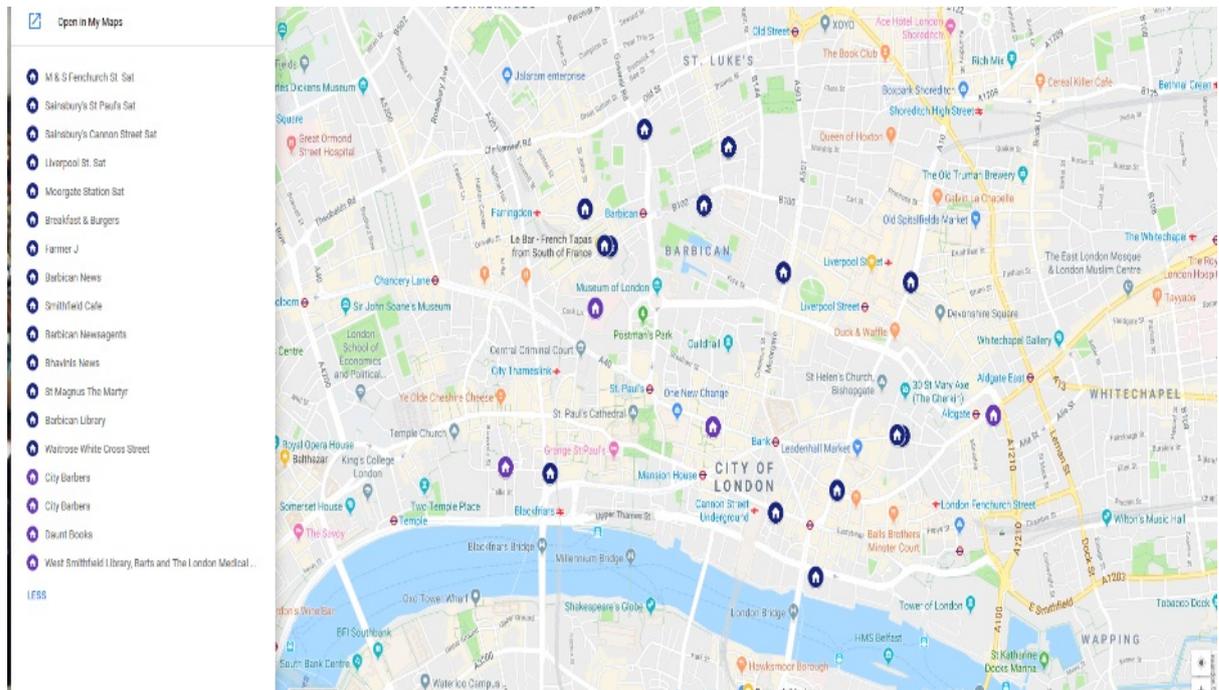
6. City Matters is published fortnightly, with approximately 12,000 copies distributed within the City of London. The locations at which they distribute are as below, using a mixture of distribution bins and placing at reception/foyer of premises:

Bank of England, Barbican Library, Bishopsgate Institute Library, City of London Information Centre, Coffee Stall in front of St Mary Abchurch, Coppa Club, Counting House, Dorsett Hotel, El Vino Wine Merchant, Giddy Up Coffee, Golden Lane Estate, Guildhall Library, Jeeves Dry Cleaners, J Rogers & Sons,

Leadenhall Market, Lloyds of London, Loch Fyne, Merchant House, Nincom Soup, Nomura, Pod Good Food, Premier Inn, Protestant Truth Society Inc, Rome Coffee Cart, Scott's Shoe repair & Dry Cleaners, Shoe Lane Library, Sweetings Restaurant, The Franklin Building, The M Bar, The Natural Kitchen, Walbrook Wharf, Waterstones, Ye Old Cheshire Cheese.

- The Islington Tribune is published weekly on a Friday, with approximately 1,200 copies distributed within the City of London. The locations at which they distribute are as below:

Fixed seven day a week dispenser outside Waitrose in White Cross Street near the Golden Lane estate. This dispenser distributes 500 copies every week. Fixed seven day a week dispenser at Liverpool Street Station. This dispenser distributes 200 copies every week. Another 500 copies are distributed at fixed indoor outlets around the Barbican, and at a number of mobile outlets as detailed on the map below. 200 copies are delivered door to door on a rota basis accompanied by a small leaflet publicising the review inside the Tribune and where to pick it up.



## Legal requirements

- Regulation 25 of the 2005 regulations states as follows:

“In the case of an application for a premises licence under section 17.... the person making the application shall advertise the application... -

(b) by publishing a notice -

in a local newspaper or, if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises

9. Neither the 2003 Act nor the 2005 Regulations define the term 'local newspaper.'
10. Gary Grant, a leading Licensing Barrister from Francis Taylor Building, drafted a paper for the City of London Licensing Team in February 2012, assessing the matter of the requirement to advertise an application for a premises licence in a local newspaper.
11. On frequency of publication he states the following: 'Regulation 25 (b) (ii) makes it clear that what is important is not how frequent the newspaper, newsletter or circular is published but ensuring the advert is published on at least one occasion during the period of 10 working days starting on the day after the day on which the application was given to the Licensing Authority. That requirement renders the frequency with which the newspaper, newsletter or circular is published irrelevant. What matters is that there is a publication within the timeframe specified by regulation 25 (b) (ii).
12. He continues... 'Where there is no 'local newspaper' the regulation sanctions advertisement in newsletters, circulars or similar documents which circulate in the vicinity of the premises. Newsletters and circulars are often published less frequently than every seven days, yet still fulfil the statutory requirements. It may be considered legally perverse if these publications are authorised by statute yet a fortnightly newspaper is not'.

### **Current position/Options**

13. The guidance on our website currently states the following:

'Publish of notice (newspaper advert) - A notice must be published in a local newspaper circulating in the area to which the premises relate. For the purposes of the Act, the City of London recognises the following as being local newspapers for its area: London Evening Standard, London Metro, City AM. If an alternative publication is used such as a newsletter or circular, it is the applicant's responsibility to ensure that the publication circulates adequately in the vicinity of the premises.'
14. The City of London Licensing Team currently accept as valid licensing applications that advertise in all five of the named newspapers – the London Evening Standard, Metro, City AM, City Matters (formerly the City of London and Dockland Times) and Islington Tribune.
15. If this is to remain the City's approach the guidance on the website requires updating; it would be inappropriate for the City to advise applicants to advertise in three of the recognised local newspapers when there are in fact five.
16. It could be argued that all the five newspapers meet the statutory requirements in relation to frequency of publication and distribution numbers. For the City to impose the need for any valid newspaper to be published more frequently than every two weeks, or to distribute a certain number of copies, would conflict with

the intention of the legislation. The circulation figures of the Islington Tribune (lowest of the 5) are substantial when compared to, for example, those of a local newsletter or circular.

17. The difficulty is in identifying which newspapers qualify to be a 'local newspaper' in the City of London, and how they meet the requirement of 'circulating in the vicinity of the premises'. It could be argued that distribution anywhere within the Square Mile would constitute 'in the vicinity of the premises' as geographically it is a small area, taking approximately 20 minutes to cross it as a pedestrian.

### **Recommendation(s)**

18. To ensure consistency it is helpful to continue to offer guidance to applicants on which newspapers in the City qualify to be 'local newspapers', and to update this guidance periodically. It is correct that we must not seek to impose more onerous requirements than that contained in the statutory regime, and also that the onus is placed upon the applicant to ensure that the publication circulates adequately in the vicinity of the premises where an alternative publication is used.
19. Committee are recommended to consider approving the update to the list of newspapers the City recognises as being local newspapers for the Square Mile in light of City Matters and the Islington Tribune now seemingly meeting all possible requirements.
20. It is recommended to update the guidance we give verbally, and on our website, to read as follows:

A notice must be published in a local newspaper circulating in the area to which the premises relate. For the purposes of the Act, the City of London recognises the following as being local newspapers for its area: London Evening Standard, London Metro, City AM, City Matters, the Islington Tribune. If an alternative publication is used such as a newsletter or circular, it is the applicant's responsibility to ensure that the publication circulates adequately in the vicinity of the premises.

### **Back Ground Papers**

- Gary Grant advice on the requirement to advertise an application for a premises licence in a local newspaper

### **Robert Breese**

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<b>Committee(s)</b>	<b>Dated:</b>
Licensing Committee	24 10 2018
<b>Subject:</b> Gambling Act 2005: Review of Statement of Licensing Principles	<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Decision</b>
<b>Report author:</b> 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 report 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 5<sup>th</sup> 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) 92
- 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 in 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.

### **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 5<sup>th</sup> 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

January 2018

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## 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 on 17 May 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 nature and 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.<sup>1</sup>

#### **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.<sup>2</sup> 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.

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<sup>1</sup> Guidance on Undertaking Gambling Risk Assessments – January 2018

<sup>2</sup> 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 GeoFutures<sup>1</sup> 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 18-35<sup>2</sup> years old who are in uncontrolled environments where warnings and control is limited, and often during working hours.

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<sup>1</sup> Geofutures Ltd, Bath

<sup>2</sup> 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.<sup>3,4</sup>

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.

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<sup>3</sup> Gambling Commission Licence Conditions Codes and Practice – January 2018

<sup>4</sup> 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.'<sup>5</sup>

#### **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'.<sup>6</sup>

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<sup>5</sup> Responsible Gambling Strategy Board - 2009

<sup>6</sup> 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.<sup>7</sup>

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

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<sup>7</sup> 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 18-35<sup>8</sup> 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 5<sup>9</sup> of the United Kingdom are now gambling on-line. However, the most alarming statistic is that over 500,000<sup>9</sup> children are reported to gamble each week. The most predominant demographic however is professional males aged between 18-35 years old<sup>10</sup> 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.<sup>10</sup>

Television gambling advertisements have risen 600% from 234,000 in 2007 to 1.4m in 2012.<sup>11</sup> 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.

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<sup>9</sup> Gambling Commission – Young People and Gambling 2016

<sup>10</sup> EPIC Risk Management

<sup>11</sup> 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.

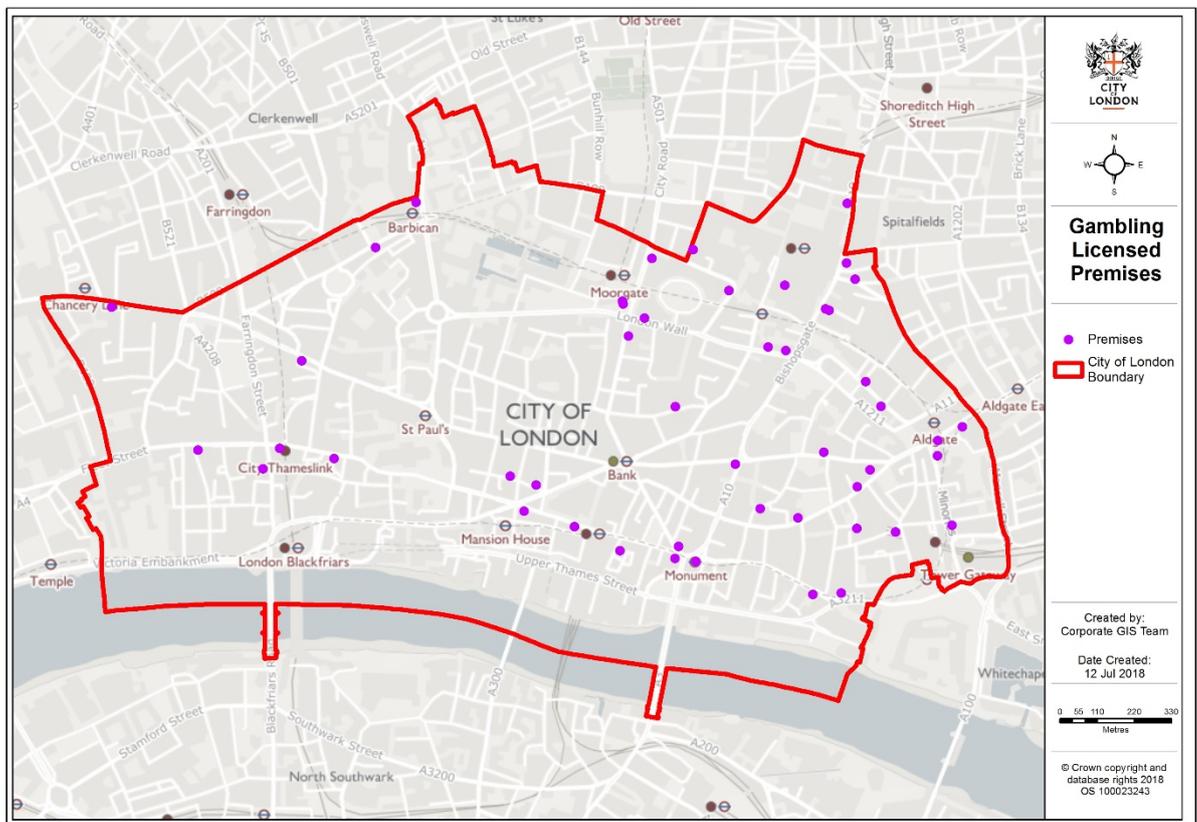
The City of London has a unique demography with a relatively low residential population but an estimated daily working population of approximately 400,000. The City is the only area in the United Kingdom in which the number of workers significantly outnumber the residents.

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 30<sup>12</sup> 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).

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<sup>12</sup> 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.

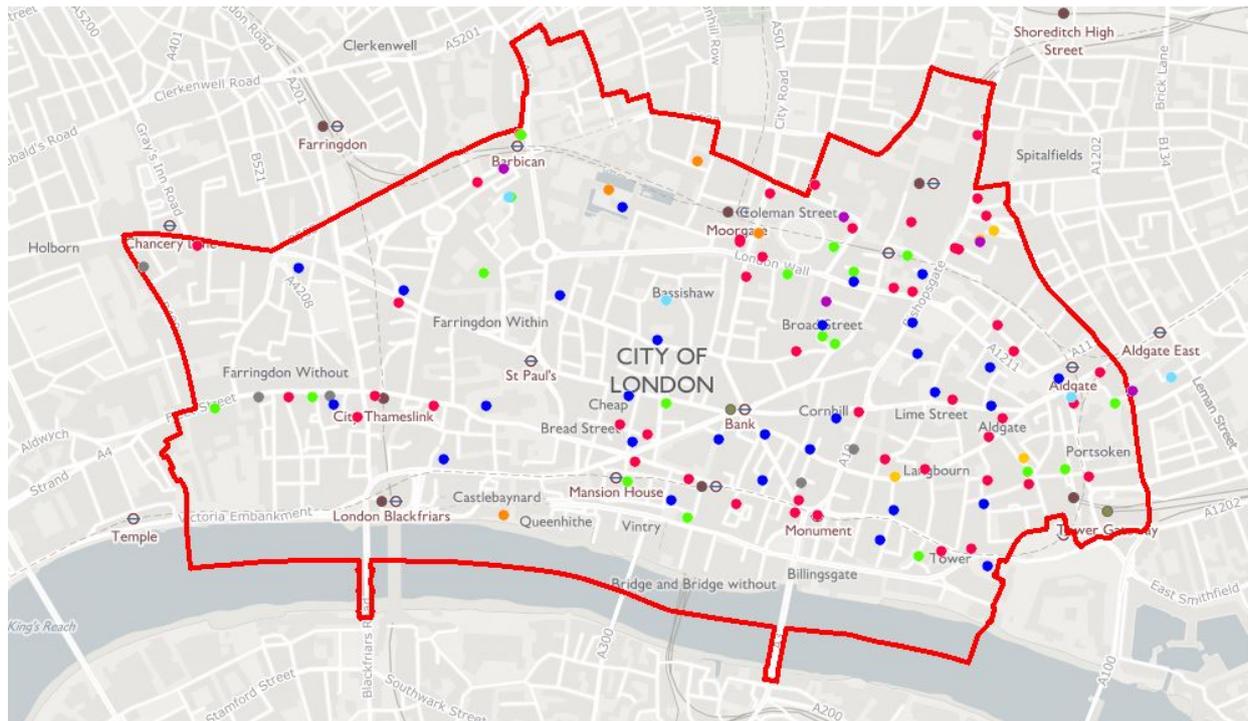
Lighter grey demonstrates emerging evidence, and the remaining characteristics are mixed/limited or no evidence.

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 old<sup>13</sup> who are in uncontrolled environments where warnings and control is limited, and often during work hours.<sup>13</sup>

Advertising is now seen regularly by a younger audience<sup>14</sup>, 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.

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<sup>13</sup> EPIC Risk Management

<sup>14</sup> 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](#).<sup>1</sup>
- 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.

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<sup>1</sup>

[http://www.mapping.cityoflondon.gov.uk/geocortex/mapping/?viewer=compass&runworkflowbyid=Switch\\_layer\\_themes&LayerTheme=Show%20the%20Gambling%20Risk%20Layers](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

<b>Committee(s)</b>	<b>Dated:</b>
Licensing	<b>30 September 2018</b>
<b>Subject:</b> Delegated decisions of the Director of Markets and Consumer Protection pertaining to premises licences.	<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Information</b>
<b>Report author:</b> 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 **26 June 2018 to 30 September 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 also gives a summary of the enforcement action taken under the Licensing Act 2003 between **26 June 2018 to 30 September 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 **March 2018 to August 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 26 June 2018 to 30 September 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 email to the Licensing Team at [licensing@cityoflondon.gov.uk](mailto: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 26 June 2018 to 30 September 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 March 2018 to August 2018. Two premises have a sufficient number of points to be classified as 'red' and five 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 26 June 2018 to 30 September 2018
- Appendix 2 – Applications to vary a licence issued between 26 June 2018 to 30 September 2018
- Appendix 3 - Enforcement Action carried out between 26 June 2018 to 30 September 2018 (including complaints received)
- Appendix 4 (Non-Public) – Premises reaching red and amber on the risk scheme between March 2018 and August 2018.

### **Background Papers**

None

### **Robert Breese**

Licensing Officer

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## Appendix I

### New Licence Applications Issued by way of Delegated Authority (26 June 2018 to 30 September 2018)

Name	Address	Ward	Details	
White & Case	5 Old Broad Street	Cornhill	A, L	23:00
Kahaila	Portsoken Pavilion, 1 Aldgate Square	Portsoken	A	23:00
Pali Kitchen	45 Cannon Street	Cordwainer	A	23:00
Veeno	Unit 8, 28 Chancery Lane	Bread Street	A, L	00:00
Wrapchic	8 Byward Street	Tower	A, L	00:00
The Galleria	Leadenhall Building, 122 Leadenhall Street	Lime Street	A, (a), (b), (e), (f), (g)	23:00
E D & F Man Ltd	1 Angel Lane	Dowgate	A, R	23:00
3FA	3 Finsbury Avenue Sq	Bishopsgate	A, L, (b), (e), (f), (g)	00:00
Black Sheep	45 Cannon Street	Cordwainer	A, L	00:00
Allianz	60 Gracechurch Street	Bridge & Bridge Without	A	22:00
Schroder Investment Management	1 London Wall Place	Bassishaw	A	23:00
Ellipsis Entertainment	56 Leadenhall Street	Aldgate	A, L, (a), (b), (e), (f), (g)	01:00

### Total Licences Issued = 12

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.		
Aldgate	1	Bassishaw	1
Bishopsgate	1	Bread Street	1
Bridge and Bridge Without	1	Cordwainer	2
Cornhill	1	Dowgate	1
Lime Street	1	Portsoken	1
Tower	1		

## **Conditions Applied to Licences Granted by way of Delegated Authority**

### **White & Case**

None

### **Kahaila**

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.

### **Pali Kitchen**

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.

2. There shall be no sale of alcohol in unsealed containers for consumption off the premises.

3. Sale of alcohol for consumption on the premises shall only be sold to a person sitting down eating a meal and for consumption with that meal.

### **Veeno**

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.

### **Wrapchic**

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 and recordings shall be made available to the Police or Licensing Authority immediately upon request.

### **The Galleria**

None

### **E D & F Man Ltd**

None

### **3FA**

1. The premises shall install and maintain a comprehensive CCTV system.
2. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

### **Black Sheep**

1. The premises shall install and maintain a comprehensive digital CCTV system. 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. All sales of alcohol for consumption off the premises shall be sold in sealed containers, except that to be consumed at the seating outside the premises belonging to the premises.

### **Allianz**

None

### **Schroder Investment Management**

1. The supply of alcohol shall only be to employees of the licensee or group companies, their bona fide guests, invitees or persons attending a function by prior invitation.
2. The supply of alcohol for consumption off the premises shall be: (a) in sealed containers; and (b) restricted to offices managed by the premises licence holder only.
3. There shall be no licensable activities on the external terraces after 22:00 hours.
4. A direct telephone number for the manager at the premises shall be publicly available at all times. This telephone number is to be made available to residents in the vicinity.

### **Ellipsis Entertainment**

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.
2. 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 of the licensee (premises licence holder) and the event is (independent of the licensee) promoted to the general public.

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

## Appendix II

### Licence Variations Issued by way of Delegated Authority (26 June 2018 to 30 September 2018)

Name	Address	Ward	Variation
Pavilion End	23 Watling Street, EC4M 9BR	Cordwainer	<ul style="list-style-type: none"> <li>To vary the plans – refurbishment of premises</li> </ul>
White Haus	20 Farringdon Street, EC4A 4AB	Farringdon Within	<ul style="list-style-type: none"> <li>To reduce terminal hours for licensable activities from 2am to midnight, to vary the plans, to delete all existing non-standard hours and obsolete conditions</li> </ul>
Popworld (formerly Reflex)	17 Watling Street, EC4A 9BB	Cordwainer	<ul style="list-style-type: none"> <li>To vary the plans – refurbishment of premises</li> </ul>
Polo Bar	176 Bishopsgate, EC2M 4NQ	Bishopsgate	<ul style="list-style-type: none"> <li>To vary the plans – general refurbishments and to include an area on the 1<sup>st</sup> floor as part of the licensed premises</li> </ul>

**Total Number of Variations Issued = 4**

#### Number of Licences by Ward

WARD	No.
Bishopsgate	1
Cordwainer	1
Farringdon Within	1

## **Conditions Applied to Licences Granted by way of Delegated Authority**

### **Pavilion End**

None

### **White Haus**

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.

2) 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 of the licensee (premises licence holder) and/or the event is (independent of the licensee) promoted to the general public.

3) No drinking will be permitted in the outside areas of the premises shown on the plan that attaches to the premises licence after 2300 hours.

### **Popworld**

None

### **Polo Bar**

None

## **Personal Licences Issued by way of Delegated Authority**

26 June 2018 to 30 September 2018

3

**Enforcement Action Carried out Under the Licensing Act 2003  
26 June 2018 – 30 September 2018**

Total Number of Inspections	53
Number of Warning Letters	2
Number of Premises advised	21
Number of simple cautions	0
Number of suspension notices	15
Licence lapsed*	0
'Dead' Suspensions**	3
'Live' Suspensions***	12
Under determination	1

\*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 26/06/2018 and 30/09/2018

### 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: 17**

#### **Cheval, Three Quays Apartments, 40 Lower Thames Street, London, EC3R 6AG**

Live band / Music breakout	17:03	11/07/2018	No action possible	Tower
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#### **Club Gascon, 57 West Smithfield, London, EC1A 9DS**

Fan noise Within	11:46	03/09/2018	No action possible	Farringdon
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Fan noise Within	17:40	13/08/2018	No action possible	Farringdon
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#### **DoubleTree by Hilton, 7 Pepys Street, London, EC3N 4AF**

Music breakout	22:53	05/07/2018	Case still in progress	Tower
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Music breakout	23:00	26/09/2018	Resolved informally	Tower
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#### **Kings Stores Public House, Kings Stores Public House, 14 Widegate Street, London, E1 7HP**

Noise / Light issues	08:23	22/06/2018	No action possible	Bishopsgate
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#### **Le Bar, 59 West Smithfield, London, EC1A 9DS**

Extractor fan noise Within	20:10	04/09/2018	Resolved informally	Farringdon
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#### **New St Grill, 16A New Street, London, EC2M 4TR**

Loud music and late-night deliveries	00:04	05/08/2018	Case still in progress	Bishopsgate
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#### **Punch Tavern, The Punch Tavern Public House, 99 Fleet Street, London, EC4Y 1DE**

Music breakout	22:00	28/07/2018	Resolved informally	Castle Baynard
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#### **The Brewery on Chiswell Street Ltd, The Whitbread Brewery, 52 Chiswell Street, London**

Live band / music breakout	12:48	06/07/2018	Resolved informally	Coleman Street
Live band / music breakout	19:15	05/07/2018	Resolved informally	Coleman Street

**The Butcher's Hook and Cleaver, The Butcher's Hook And Cleaver Public House, 61 West Smithfield, London, EC1A 9DY**

Anti-social behaviour issues. Within	20:45	13/09/2018	Resolved informally	Farringdon
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**The Heron, 5 Moor Lane, London**

Rumbling / Whirring noises	17:13	17/07/2018	Case still in progress	Cripplegate
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**The Ned, The Ned Hotel, 27 Poultry, London, EC2R 8AJ**

Music breakout from rooftop bar	12:37	06/08/2018	No action possible	Walbrook
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**The St Barts Brewery, 66 West Smithfield, London, EC1A 9DY**

Music breakout Within	23:45	28/07/2018	Resolved informally	Farringdon
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**Wework, Offices, 9 Devonshire Square, London, EC2M 4YF**

Music breakout	21:03	27/07/2018	Case still in progress	Bishopsgate
Music breakout	21:26	14/08/2018	Case still in progress	Bishopsgate

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of the Local Government Act 1972.

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## Proposal 17: Keep pavements free of obstructions

We will ensure that pavements are free of obstructions by:

- Not permitting a-boards on the pavement and encouraging owners and occupiers to not place a-boards on private land adjacent to the pavement
- Only allowing outdoor seating where businesses can demonstrate that adequate width will be maintained during the busiest time of day
- Working with owners and landlords and using the licencing system to prevent pavements and streets being blocked by people standing outside bars and pubs
- Ensuring operators of dockless cycle hire schemes require users to leave bikes in designated parking locations and promptly remove any cycles not left in these locations (see Proposal 28)
- Continuing to reduce clutter by removing unnecessary street furniture and ensuring remaining furniture is positioned to maintain a clear walking route, including identifying opportunities to affix street lights and signs to buildings
- Seeking to maintain a pedestrian comfort level of B+ when installing new street furniture, signage, trees and greenery, bollards and security features (see Proposal 2)
- Ensuring that temporary signage does not significantly reduce pavement width and work with contractors, utilities and developers to ensure signs are placed in carriageway when they will not pose risk to other road users
- Review the role of pavement obstructions in incidences of trips, falls and claims against the City Corporation

## Proposal 18: Keep pedestrian crossings clear of vehicles

We will work with TfL and London Councils to lobby the Government to change the Highway Code and introduce new legislation to prevent queuing vehicles blocking pedestrian crossings. Any new offences should be decriminalised to allow civil enforcement through issuing a penalty charge notice (PCN).

While awaiting legislative change, we will encourage drivers to leave crossings clear through targeted campaigns and trialling changes to crossing design, such as coloured markings or box junction style hatching.

## Proposal 19: Support and Undergound stations

 Email  Save

Improvement to

We will work with TfL to prioritise investment in accessibility improvements to Underground

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