

Report – Licensing Committee

Gambling Act 2005: Review of Statement of Licensing Principles

To be presented on Thursday, 6th December 2018

*To the Right Honourable The Lord Mayor, Aldermen and Commons
of the City of London in Common Council assembled.*

SUMMARY

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

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

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

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

RECOMMENDATION

Members are **recommended** to:

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

MAIN REPORT

Background

1. The Gambling Act 2005 (the 'Act') requires licensing authorities to prepare and publish a statement of licensing principles (the 'policy') that they will apply in exercising their functions under the Act. The legislation further prescribes that the policy shall remain valid for a period of three years, after which it must be reviewed and re-published.
2. In order to comply with the statutory process, the City Corporation consulted with the following:

- The Chief Officer of Police for the City of London;
 - Persons representing the interests of persons carrying on gambling businesses within the City of London;
 - Persons representing the interests of persons who may be affected by the City Corporation exercising its functions under the Act.
3. The Gambling Commission has produced a Guidance to Licensing Authorities 5th Edition (the 'Guidance') and a document entitled 'Licence Conditions and Codes of Practice' (LCCP). The latest LCCP contained:
 - A new social responsibility code provision relating to the assessment of local risk;
 - A new ordinary code provision relating to shared risk assessments.
 4. The social responsibility code provision requires licensees to assess the local risk to the licensing objectives posed by their gambling operations at each of their premises. In making these assessments, licensees must take into account relevant matters identified in the corporation's licensing policy.
 5. The new ordinary code provision requires operators to share their risk assessment with licensing authorities when applying for a premises licence or a variation, or otherwise on request. The effect of this is that when an application is submitted, the authority can expect to see how risks which it has identified in its policy are to be mitigated.
 6. The City's current policy was largely based on a concise template drafted by the Local Authority Coordinating Body on Regulatory Services (now Local Government Regulation) with additions to specifically suit the City of London and amended to reflect Government changes to published guidance. By using this template, the City Corporation has ensured that the statutory requirements and inclusions recommended by the Guidance were adhered to.
 7. However, following the release of the LCCP the Gambling Commission published a special bulletin making it clear that the national templates (from which the Policy was drafted) were unlikely to fully and adequately address local concerns, risks and features of the gambling landscape. This in turn would mean that licensees would not have sufficient information on which to base their newly required risk assessments.
 8. The Gambling industry as controlled by the Gambling Act 2005 has a relatively light impact on the City of London. The City is not permitted to have a casino and has no Bingo establishments or Adult Gaming Centres.

Premises licensed within the City are currently as follows:

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

Current Position

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

Proposals

11. The draft documents at Appendices 1, 2 and 3 form the basis of the paper that was forwarded to consultees. 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 Commissioner of the City of London Police, was also consulted.
15. Following completion of the consultation no further amendments were considered appropriate.
16. The report and policy were approved by the Licensing Committee on 24 October 2018. Formal adoption is now required by Court of Common Council to comply with statutory requirements

Corporate & Strategic Implications

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

Implications

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

Conclusion

19. The Licensing Committee recommends that the Court of Common Council adopt the principles as the new Gambling Policy.

Appendices

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

All of which we submit to the judgement of this Honourable Court.

DATED this 24th day of October 2018.

SIGNED on behalf of the Committee.

Peter Gerard Dunphy
Chairman, Licensing Committee