

Committee(s):	Date(s):	
Licensing Court of Common Council	14 January 2013 17 January 2013	
Subject: Gambling Act 2005: Review of Statement of Licensing Principles		Public
Report of: Director of Markets and Consumer Protection		For Decision

### Summary

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

The legislation requires that all authorities review their policy at three yearly intervals. This report was last reviewed in January 2010 and therefore is required to be reviewed by January 2013.

Since the production of the current licensing statement three years ago the guidance issued to licensing authorities has been revised. The revised text has been sent out for consultation which finished on Wednesday 19 December 2012.

Four responses have been received albeit two of them having no comment to make. The remaining concerns and comments have been taken into account in a revised policy text attached to this report.

### **Recommendations**

It is recommended that your Committee:-

- Consider the recommended amendments to the draft 2013 Statement of Licensing Principles in light of the consultation responses and determine the final text.
- Recommend the policy document to Common Council for their approval.

## 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. The current policy was published in January 2010. It is therefore now necessary for the City Corporation to prepare the publication of its policy to run for three years from January 2013.
3. 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 Corporation has ensured that the statutory requirements and inclusions recommended by the Guidance were adhered to.
4. During the period that the City's policy has been current there has been no evidence of any deficiency in its content. The text of the current Policy was amended to reflect minor legislative changes since its last adoption. The amended text was put before this Committee on 22 October 2012 and agreed for consultation.

## **Consultation**

5. The consultation period ran from 7 November 2012 to 19 December 2012. During that period the licensing service received four responses. Three of the responses were from Members and one from a Responsible Authority. Two of the responses were 'no comment'. The remaining two are attached as Appendix 2.
6. The comments received have been examined and a revised text of the Statement of Licensing Principles 2013 has been produced to take into account their concerns and general points where felt necessary. A copy of the revised text, and that proposed to be agreed to be put before Common Council, is attached as Appendix 1. A note as to how the text has altered since being sent out for consultation can be seen as Appendix 3.
7. In order to comply with the statutory process the Corporation must consult 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
  - Persons representing the interests of persons who may be affected by the City exercising its functions under the Act

The City Corporation has fulfilled these statutory obligations as far as its area of jurisdiction is concerned. A complete list of persons consulted can be seen as Appendix 4.

## **Corporate & Strategic Implications**

8. The proposals within this report will meet one of the overriding objectives contained within the service's business plans to meet the legal requirements of relevant legislation.

## **Implications**

9. 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.

## **Background Papers:**

*Previous Statement of Licensing Principles - January 2010*

*Statement of Licensing Principles 2013 sent for consultation*

*Guidance to licensing authorities 4<sup>th</sup> edition – September 2012 (Gambling Commission)*

## **Appendices**

Appendix 1: Statement of Licensing Principles – 2013

Appendix 2: Responses received during consultation period

Appendix 3: Amendments made to text of consultation document

Appendix 4: List of consultees

Contact: *Peter Davenport* / [peter.davenport@cityoflondon.gov.uk](mailto:peter.davenport@cityoflondon.gov.uk) / x 3227