

Report – Licensing Committee

Gambling Act 2005 – Review of Statement of Licensing Principles

To be presented on Thursday, 14 January 2016

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

SUMMARY

1. The Gambling Act 2005 requires all licensing authorities to produce and publish a Statement of Licensing Principles ('policy'). 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.
2. The Policy was last reviewed in January 2013 and therefore is required to be reviewed by January 2016.
3. We have recently reviewed the City's policy, and are currently undertaking consultation on the proposed new policy, with the intention of publishing the new document by the end of January 2016. The consultation period concludes on 13 January 2016 and the Court of Common Council will be advised of any further substantial comments received between the publication of this report to the Court of Common Council and its meeting on 14 January.
4. 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.
5. In April 2015 the Gambling Commission published a special bulletin making it clear that national templates for policy statements were unlikely to fully and adequately address local concerns, risks and features of the gambling landscape e.g. demographics, socio-economic profile and what mix of gambling is provided or indeed desired. Officers were therefore awaiting new guidance which was only rewritten and published in September 2015 (Guidance to Licensing Authorities 5th Edition). The guidance notes made it clear that additional work was required in order to produce a statement of licensing principals that meet the recommendations.

6. We have not found any deficiencies in the City's current policy. The new policy therefore only currently contains minor administrative amendments to reflect some of the latest guidance and, as such, is an interim policy until a more substantial policy fully reflecting the government's changes to published guidance can be brought before Members for approval before the end of 2016.

RECOMMENDATION

7. We **recommend** that the draft Statement of Licensing Principles, as set out in the Appendix, be approved as the text of the City of London Statement of Licensing Principles for a period commencing in January 2016, subject to the receipt of any responses to the current consultation which closes on 13th January 2016 (should there be any substantive comments received these will be reported to the Court).

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 2013. It is therefore now necessary for the City Corporation to prepare the publication of its policy to run for three years from January 31 2016.
3. 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.

Premises licensed within the City are currently as follows:-

- Betting Shops - 39
- Adult Gaming Centres - 0
- Alcohol licensed premises with two or fewer amusement machines (one time notification only) - 88
- Alcohol licensed premises with three or more amusement machines. - 23

4. 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

5. 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.
6. During the period that the City's policy has been current there has been no evidence of any deficiency in its content.

Current Position

7. Since the current policy was drafted the Gambling Commission has rewritten its guidance (Guidance to Licensing Authorities 5th Edition) which it published in September 2015). It has also published a document entitled 'Licence conditions and codes of practice' (LCCP) in February 2015 which was updated in April 2015.
8. The current policy would normally be updated to reflect the latest guidance. However the LCCP published in February 2015 contained:
 - A new social responsibility code provision relating to the assessment of local risk.
 - A new ordinary code provision relating to shared risk assessments.
9. 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 have to take into account relevant matters identified in the corporation's licensing policy.
10. 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 dealt with.
11. In April 2015 the Gambling Commission published a special bulletin making it clear that that national templates for policy statements (referred to in paragraph 4 of the summary of this report) were unlikely to fully and adequately address local concerns, risks and features of the gambling landscape e.g. demographics, socio-economic profile and what mix of gambling is provided or indeed desired.
12. Although work on obtaining this information has commenced not all bodies which might contribute to the production of a Local Area Profile have been met.
13. The Licensing Team will continue to gather the necessary data and compile a Local Area Profile for the City of London. This information will be incorporated within a revised policy which will come before your Licensing Committee on 27 April 2016. A further, more extensive consultation, will then take place during May 2016 after which the final policy will return to your Licensing Committee for

agreement and the final report will go before the Court of Common Council for adoption before the end of 2016.

Conclusion

14. We therefore recommend that the draft Statement as set out in the appendix to this report be approved as the text of the City of London Statement of Licensing Principles.

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

DATED this 21st of October 2015.

SIGNED on behalf of the Committee.

Marianne Bernadette Fredericks
Chairman, Licensing Committee