



## Licensing Committee

**Date:** WEDNESDAY, 7 FEBRUARY 2018

**Time:** 1.45 pm

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

<b>Members:</b>	Peter Dunphy (Chairman)	Michael Hudson
	Sophie Anne Fernandes (Deputy Chairman)	Deputy Jamie Ingham Clark
	Deputy Keith Bottomley	Deputy Edward Lord
	Mary Durcan	Andrien Meyers
	Emma Edhem	Graham Packham
	Deputy Kevin Everett	Judith Pleasance
	Marianne Fredericks	James Tumbridge
	Christopher Hayward	

**Enquiries:** [Leanne.Murphy@cityoflondon.gov.uk](mailto:Leanne.Murphy@cityoflondon.gov.uk)  
Tel – 0207 332 3008

**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. **MINUTES**

To agree the public minutes of the meeting held on 25<sup>th</sup> October 2017.

**For Decision**  
(Pages 1 - 6)

4. **COMMITTEE'S TERMS OF REFERENCE**

Members are asked to review the Committee's Terms of Reference.

**For Decision**  
(Pages 7 - 10)

5. **MINUTES FROM LICENSING SUB COMMITTEES**

**For Information**

a) Roma (Pages 11 - 18)

To receive the public minutes of the meeting regarding the application for Roma, 14 New London Street, EC3R 7NA on Monday, 16<sup>th</sup> October 2017.

b) Beech Street Tunnel (Pages 19 - 26)

To receive the public minutes of the meeting regarding the application for Beech Street Tunnel, Silk Street to Bridgewater Street, London, EC2Y 8AD on Wednesday, 24<sup>th</sup> January 2018.

6. **LATE NIGHT LEVY - 12 MONTH REPORT (1 OCTOBER 2016 - 30 SEPTEMBER 2017)**

Report of the Director of Markets and Consumer Protection.

**For Decision**  
(Pages 27 - 44)

7. **GAMBLING ACT - ANNUAL REVIEW OF FEES 2018/19**

Report of the Director of Markets and Consumer Protection.

**For Decision**  
(Pages 45 - 52)

8. **GAMBLING POLICY**  
Report of the Director of Markets and Consumer Protection
- For Decision**  
(Pages 53 - 136)
9. **LICENSING REVENUE BUDGETS - 2018/19**  
Joint Report of the Director of Markets and Consumer Protection and the Chamberlain.
- For Decision**  
(Pages 137 - 142)
10. **MCP DRAFT HIGH-LEVEL BUSINESS PLAN 2018-19**  
Report of the Director of Markets and Consumer Protection.
- For Information**  
(Pages 143 - 148)
11. **APPEALS AGAINST LICENSING (HEARING) SUB COMMITTEE DECISIONS**  
The Comptroller and City Solicitor to be heard.
- For Information**
12. **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 149 - 160)
13. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
14. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**
15. **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.
16. **NON-PUBLIC MINUTES**  
To agree the non-public minutes of the meeting held on 25<sup>th</sup> October 2017.
- For Decision**  
(Pages 161 - 162)

17. **VIOLENT CRIME FROM LICENSED PREMISES**  
Report of the Commissioner, City of London Police.

**For Information**  
(Pages 163 - 164)

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

## LICENSING COMMITTEE

**Wednesday, 25 October 2017**

Minutes of the meeting of the Licensing Committee  
held at Guildhall at 1.45 pm

### **Present**

#### **Members:**

Peter Dunphy (Chairman)  
Deputy Keith Bottomley  
Mary Durcan  
Marianne Fredericks  
Michael Hudson

Deputy Jamie Ingham Clark  
Deputy Edward Lord  
Graham Packham

### **In Attendance**

#### **Officers:**

Paul Chadha	-	Comptroller and City Solicitors
Peter Davenport	-	Markets and Consumer Protection
Steve Blake	-	Markets and Consumer Protection
John Hall	-	City of London Police
Julie Mayer	-	Town Clerk's

#### **1. APOLOGIES**

Apologies were received from Sophie Fernandes (Deputy Chairman), Emma Edhem, Christopher Hayward and Judith Pleasance.

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

Deputy Edward Lord declared a general non-pecuniary interest in respect of agenda item 8, on account of his long term friendship with Laura Willoughby of Club Soda.

#### **3. PUBLIC MINUTES**

In response to a query about underspends and recoverable costs, as set out under Item 6 (Revenue Outturn 2016/17), officers agreed to respond to this outside of the meeting.

RESOLVED, that – the public minutes of the meeting held on 26 July 2017 be approved as a correct record.

#### 4. **MINUTES OF LICENSING HEARING (SUBS):**

a) **Beer and Buns**

The Committee received the decision notice and public minutes of the meeting regarding the application for 'Beer and Buns' of 20 Bury Street, EC3A 5AX on Thursday 10<sup>th</sup> August, 2017.

b) **Brewskee**

The Committee received the decision notice and public minutes of the meeting regarding the application for Brewskee Ltd. of 64 New Cavendish Street, London W1G 8TB on Friday, 11 August 2017.

c) **Bob Bob Exchange**

The Committee received the decision notice and the public minutes of the meeting regarding the application for 'Bob Bob Exchange' of 122 Leadenhall Street, London, EC3V 4AB on Wednesday 16<sup>th</sup> August 2017.

Members noted an error whereby Brewskee's representative, Mr Gerald Gourié, was a QC.

d) **Zebrano**

The Committee received the decision notice and public minutes of the meeting regarding the application for 'Zebrano' of Dukes House, Dukes Place, London, EC3A 7LP held on Wednesday 23<sup>rd</sup> August, 2017.

e) **Lucky Voice**

The Committee received the decision notice and public minutes of the meeting regarding the application for Lucky Voice (SOHO) Ltd Eastcastle House, 27-28 Eastcastle Street, London W1W 8DH on Thursday, 21 September, 2017.

Members noted that, following the above decision, the Applicant indicated that they would not be seeking to establish a premises in this location as the permitted hours for licensable activities granted by the Sub-Committee did not fit their intended business model. The Committee were advised that the Licence would be active for 12 months but would be suspended if the fee was not renewed. The applicant could also transfer the Licence at any time. If suspended at the time of transfer, the licence would be reinstated once any outstanding fees were paid. The Town Clerk agreed to check the minute template so that the premises and not the Head Office address was shown in the minute header.

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

The City Solicitor was heard in respect of an anticipated appeal against a recent decision of the Licensing Sub Committee. The City Solicitor advised Members of the format of the Appeal Hearing, which would re-hear the

application, taking into account the City of London Corporation's Decision and new evidence would be permitted.

The Town Clerk advised that the decision letters had been sent out to the relevant parties and the draft minutes finalised and they would be shared with Members of the Licensing Committee

## 6. **CHARITY COLLECTIONS POLICY**

The Committee received a report of the Director of Markets and Consumer Protection in respect of current legislation for managing street and house to house charity collections. The report sought to introduce a Charity Collections Policy to ensure all relevant parties were aware of the criteria to be adhered to. Members noted that previous decisions were taken on custom and practice and the Policy before them would give greater flexibility to decision-making when using non-statutory criteria.

During the discussion and questions, the following points were noted:

- Open buckets were only permitted on private land (including station forecourts) but not on highways or open spaces.
- Members asked for regular summary reports showing a list of collectors, the number of boxes and the amounts in each box.
- The Policy would be reviewed every 3 years, in line with other Licensing Policies.
- 'Chuggers' were self-regulated but could incur penalty points in the event of a breach and would be stopped from operating after a certain number. They were not permitted to take cash or cheques and most signed up to self-regulation. The City of London Corporation had the authority to decide on numbers, location and days etc. Whilst they had not, so far, entered into such an agreement, they report any breaches to the appropriate organisation and regularly approached Chuggers and asked for their credentials. Members noted that there had been no complaints this year.
- In respect of the 25m distance between collectors, Members noted that this was a statutory requirement, over which the City of London Corporation had no jurisdiction. Similarly, all animals were prohibited and the regulations were silent in respect of guide dogs.
- Members suggested that the word 'exceptional' in the following paragraph be replaced with 'at its discretion': *Permits will normally be granted for one day only and permit collections to be held on a Tuesday or a Friday. In exceptional cases the* At its discretion, the City of London Corporation may grant a permit in excess of one day. Should an applicant wish to hold a collection on another day of the week this will be

*at the discretion of the Corporation and take into account such factors as other events and collections taking place etc.*

- The Policy would be sent to all collectors who applied for a permit and a copy would be placed on the website. Members suggested that all regular collectors be contacted and advised of the new Policy.
- The Licensing Manager advised that all collectors were required to present a letter from their organisation with their application form and to wear badges during the collection. All collection boxes must be numbered and the amounts within them accounted for. However, Licensing Officers did not have the power to seize collection boxes, detain alleged fraudsters or prosecute. In order to provide further protection against fraudulent collectors, a Member suggested advising all premises of the new Policy and to ensure that they too checked credentials. Officers also agreed to include the Policy in Licence Renewal notices.
- In respect of the 1947 legislation, which looked quite dated, officers advised that they would reproduce a typed copy of this if not too lengthy, or provide a link to one of the Government sites.

RESOLVED, that - the Charity Collections Policy, as set out in Paragraph 1 to the report, be adopted, subject to the comments set out above.

#### **7. SAFETY THIRST UPDATE**

The Director of Markets and Consumer Protection was heard in respect of the Safety Thirst Awards Ceremony which had taken place the previous day. Members noted that 45 awards had been presented, including 2 top awards for 'Core' and 'Revolution'. Members noted that evaluations were based on audits and feedback from the City's Licensing Liaison Partnership meetings; the Police; Fire Authority; Environmental Health and other relevant services including Cleansing Officers. Members felt very strongly about visible smoking areas and the resultant litter.

Members agreed the awards were very successful as they showed Licensee's willingness to adopt safe, good practices and thereby change perceptions of their premises.

#### **8. CLUB SODA UPDATE**

Members received a report of the Director of Markets and Consumer Protection in respect of actions taken in order to ascertain whether £40,000 could be spent, from the Night Time Levy monies, to extend the work undertaken in the City of London by Club Soda. Members were reminded that, as a result of submitting the necessary documentation, a delegated decision had been taken in order to fund Club Soda for another twelve months from both the levy and local risk budget as not all of the Club Soda work in this second year was attributable to the night time economy and premises that paid the levy. As requested in the minutes of the last meeting, Members had received a Business Plan and the Statement of Accounts for Club Soda. Licensing Officers advised that funding would be released in tranches, with the next due



pre-Christmas, and further update monitoring reports would be presented to the Licensing Committee.

Members noted the dates of the next Spitalfield Festival: 24/25 November 2017 and asked if all Members of the Committee could be advised.

RESOLVED, that – the report be noted.

**9. 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 in respect of delegated decisions taken by the Director of Markets and Consumer Protection pertaining to premises licenses and enforcement action taken under the Licensing Act 2003 between 1 July and 30 September 2017. Members noted a non-public appendix in respect of this item at agenda item 14.

During the discussion and questions on this item, the following points were noted:

- The Police advised that if the ‘no promoted events’ condition was offered, even for premises closing at 11 or 11.30 pm, they were accepted as they could apply to events on boats during the day. Members suggested that the text be amended to state ‘anytime’, rather than ‘no promoted events’.
- A Member could not recall seeing a notice displayed in respect of one of the Premises and the Licensing Manager agreed to check that due process had been followed.
- Licensing officers did not suggest changes to applicants but provided pre-application advice. The use of standardised conditions is not permitted therefore the wording in our ‘Pool of Conditions’ can sometimes be changed to make them appropriate and necessary. The suggestion of standardised conditions could prejudice any future hearings/appeals. Members would receive a report on Conditions at a future meeting.

RESOLVED, that – the report be noted.

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

There were no questions.

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

There were no urgent items.

**12. EXCLUSION OF THE PUBLIC**

RESOLVED, That – Under 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 1 of Schedule 12A of the Local Government Act.

Item Nos.  
14-17

Paragraphs No  
3, 5

**13. NON-PUBLIC MINUTES**

The non-public minutes of the meeting held on 26 July 2017 were approved.

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

The Committee received a non-public appendix in respect of Agenda item 9 (Delegated Decisions of the Director of Markets and Consumer Protection pertaining to Premises Licences).

**15. VIOLENT CRIME FROM LICENSED PREMISES**

The Committee received a report of the Commissioner, City of London Police in respect of violent crime from Licensed Premises.

**16. NON PUBLIC QUESTIONS RELATING TO THE WORK OF THE COMMITTEE**

There were no questions.

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

There were no items.

**The meeting ended at 3.05 pm**

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Chairman

**Contact Officer: Julie Mayer**  
**020 7 332 1410**  
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<b>Committee:</b> Licensing Committee	<b>Date:</b> 7 <sup>th</sup> February 2018
<b>Subject:</b> Terms of Reference and Frequency of Meetings of the Barbican Residential Committee	<b>Public</b>
<b>Report of:</b> Town Clerk  <b>Report author:</b> Leanne Murphy	<b>For Decision</b>

## Summary

1. As part of the post-implementation review of the changes made to the Governance Arrangements in 2011, it was agreed that all Committees/Boards should review their terms of reference annually. This will enable any proposed changes to be considered in time for the reappointment of Committees by the Annual Meeting of the Court of Common Council.
2. The terms of reference of the Licensing Committee are attached as an appendix to this report for your consideration.

## Recommendations

1. That, subject to any comments, the terms of reference of the Licensing Committee be approved for submission to the Court, as set out in the appendix.
2. The Committee is also asked to consider the frequency of its meetings going forward.

### **Contact:**

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PARMLEY, Mayor	<b>RESOLVED:</b> That the Court of Common Council holden in the Guildhall of the City of London on Thursday 27th April 2017, doth hereby appoint the following Committee until the first meeting of the Court in April, 2018.
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### LICENSING COMMITTEE

1. **Constitution**  
A Non-Ward Committee consisting of 15 Members elected by the Court of Common Council, at least one of whom shall have fewer than five years' service on the Court at the time of their appointment.
2. **Quorum**  
The quorum consists of any five Members.
3. **Membership 2017/18**
  - 4 (4) Christopher Michael Hayward
  - 5 (4) Michael Hudson
  - 5 (4) Graham David Packham
  - 4 (4) Judith Lindsay Pleasance
  - 15 (3) Kevin Malcolm Everett, Deputy
  - 7 (3) Sophie Anne Fernandes
  - 7 (3) James Richard Tumbridge
  - 9 (2) Marianne Bernadette Fredericks
  - 2 (2) Emma Edhem
  - 2 (1) Keith David Forbes Bottomley, Deputy
  - 7 (1) Peter Gerard Dunphy
  - 1 (1) Joan Mary Durcan
  - 5 (1) Jamie Ingham Clark, Deputy
  - Vacancy*
  - Vacancy*
4. **Terms of Reference**  
To be responsible for:-
  - (a) the City of London Corporation's licensing functions under the following legislation:-
    - (i) Licensing Act 2003:-
    - (ii) Gambling Act 2005:-
    - (iii) Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009:-
      - (a) the licensing of sexual entertainment venues
      - (b) action to prohibit the consumption of alcohol in designated public places as detailed in sections 12-16 of the Criminal Justice and Police Act 2001 and the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001
      - (c) the implementation of those sections of any Acts of Parliament and/or European Legislation which direct that the local authority take action in respect of those duties listed at (a) above, including the functions contained in Sections 2(1) and 2(2) of the Hypnotism Act 1952
      - (d) determining which of its functions and responsibilities may be delegated to enable the Director of Markets and Consumer Protection to act on its behalf.
  - (b) The appointment of the Director of Markets and Consumer Protection (acting jointly with the Port Health and Environmental Services Committee and the Markets Committee);
  - (c) Making recommendations to the Court of Common Council regarding:-
    - (i) the City Corporation's Statement of Licensing Policy; and
    - (ii) The Statement of Licensing Principles in respect of the Gambling Act 2005.

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

**HELD ON MONDAY, 16<sup>TH</sup> October 2017 AT 11.00 AM**

**APPLICANT:**           **MLA Leisure Ltd**  
**PREMISES:**           **ROMA, 14 New London Street, EC3R 7NA**

**Sub-Committee:**

Mr Graham Packham (Chairman)  
Deputy Jamie Ingham Clark  
Mr Michael Hudson

**Officers:**

Town Clerk – Julie Mayer  
Comptroller and City Solicitor – Paul Chadha  
Markets and Consumer Protection – Peter Davenport  
Markets and Consumer Protection – Steve Blake

Given Notice of Attendance:

**Applicant:**

Mr Gavin Jones and Mr Ryan Starr (ROMA)

**Making representations:**

Marianne Fredericks	Ward Member for Tower
Brian Taplow	Apex Hotels
Penny Ritchie Calder	Churchwarden, St Olave Church and Hon Secretary of the PCC
Rev Oliver Ross	Area Dean to the City and Rector, St Olave Church)

Whilst neither had made a formal representation, officers from both the Police and the Environmental Health Service were in attendance. The Chairman, with the concurrence of the applicant and those objecting to the application, agreed to let them speak, as he felt that their contribution would be relevant to the debate.

**In Attendance:**

Mr John Hall – City of London Police  
Ms Siobhan Marshall – Environmental Health Services, City of London Corporation

Deputy Roger Chadwick and Ms Anne Fairweather – Ward Members for Tower.

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

A public Hearing was held at 11:00 AM in Committee Room 1, Guildhall, London, EC2, to consider the representations submitted in respect of an application for a Variation to a Premises Licence in respect of Roma, 14 New London Street, EC3R 7NA.

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

Annex – Report of the Director of Markets and Consumer Protection

Appendix 1 - Copy of Application

Appendix 2 – Conditions Consistent with the Operating Schedule

Appendix 3 – Hearing Decision Letter (2 July 2008)

Appendix 4 – Current Licence

Appendix 5 – Representations from other persons

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

Appendix 7 - Plan of Premises

Before the commencement of the Hearing all parties had the opportunity to view photographs showing the position of the venue in relation to surrounding hotels and residential properties and a DVD of a disturbance outside the venue, in June this year, caused by patrons arriving at and leaving the premises, which would be referred to during the Hearing.

Deputy Jamie Ingham Clark declared a general, non-pecuniary interest by virtue of his position as a Member of the Worshipful Company of Clothworkers, of which Rev. Oliver Ross is Chaplain.

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1. The Hearing commenced at 11:00.
  2. At the commencement of the Hearing, the Chairman invited those making representations to set out their objections to the application.
  3. Mr Brian Taplow, a Manager at the Apex Hotel made reference to a disturbance outside the venue in June this year (as depicted in the DVD referred to above). Members noted that this had occurred shortly after he took up his position at the Hotel. Whilst there had not been an incident on this scale since, he was aware of a history of disturbance from Roma. Mr Taplow advised that the majority of the disturbance emanated from patrons arriving and leaving in their cars; generally being noisy and playing car stereos, hooting etc. Since the June incident, the hotel had worked closely with Roma in respect of their dispersal policy and door staffing. Mr Taplow also detailed other incidents involving his management team and patrons leaving the premises, who were causing a disturbance.
  4. When asked about having to give refunds to guests, Mr Taplow advised that he had offered a complimentary visit to one guest who had a disturbed night. The Hotel had received negative reviews on 'Trip Advisor' about noise surrounding the venue and the Hotel were concerned about their impact on future business. The chairman noted his review of Trip Advisor did not bear this out.



5. Mrs Penny Ritchie Calder, the Churchwarden and Honorary Secretary of St Olave's Church was concerned that the night-time economy of the area was changing and challenged whether the City of London Corporation's Licensing Policy was adapting sufficiently. Mrs Ritchie Calder reminded Members of the provision, within the City of London Corporation's Licensing Policy, whereby residents were entitled to a undisturbed sleep between the hours of 11 pm and 7 am. Whilst noting these concerns, the Chairman advised that such a decision was beyond the remit of this Sub-Committee.
6. The Rev Oliver Ross, resident of St Olave's Church Vicarage, then made representation about the levels of disturbance he frequently experienced from individuals who he believed had been attending the premises. Members noted that this anti-social behaviour ranged from noise on dispersal to urinating and defecating in the church doorway and engaging in sexual activity. Furthermore, the Rector is required to work early on Sunday mornings and is disturbed virtually every Saturday evening, as well as on the other evenings when the premises remained open past midnight. The Rector commented that the Saturday evening/Sunday morning just passed had been possibly the worse ever. The Rector had spoken to the door staff and, while he found them helpful, he felt that their effectiveness in controlling dispersal, particularly for a large volume of people was limited. He advised that when he has asked the venue to turn the music down it made some difference but even at lower volumes, the continual base and vibration caused a disturbance.
7. The Rector had taken recordings but did not have them to hand today. He was often reluctant to call the Police or Environmental Health Team as, generally, any disturbance had dissipated by the time they arrived and therefore he was concerned at disturbing them needlessly. He had approached patrons making a noise when leaving and had received abuse for doing so.
8. A Ward Member for Tower, Ms Marianne Fredericks, then set out the history of the venue, which had been a pub but had been problematic since it became a late night drinking/entertainment venue. Furthermore the Management of the premises had changed hands many times and the Member had found that, once enough evidence had been gathered to seek a review, the Management changed yet again.
9. The Hearing noted that, during this year's City elections, local residents had raised their concerns about public nuisance from Roma and were encouraged to contact the Police and Environmental Services. The Ward Member forwarded complaints from constituents to Environmental Services and an officer had attended but not while Roma was open. The Police had viewed the DVD referred above and had also spoken to closeby venue; 'Proud', but the Ward Member suggested that Proud dispersed away from Hart Street, whereas 'Roma' dispersed towards it.
10. Ms Fredericks suggested that Roma were in breach of their current licensing conditions and suggested they check whether their noise limiters were working correctly. Whilst noting the noise measures in place; i.e. an additional lobby and double glazing, she suggested that they were inadequate as residents still

experienced 'break-through' noise. Ms Fredericks and those making representations therefore felt that if the existing licence were to be extended, this could be catastrophic for the residents and dispersal may continue until 5 am. Ms Fredericks was particularly concerned about the Rector who lived exceptionally close to Roma. In closing her representation, Ms Fredericks urged the applicant to take action in respect of the comments made today or the residents would seek a Review for breach of conditions.

11. The Applicant then set out their case and advised the Hearing that they sought to be more transparent and, by extending the licensing hours in this way, the conditions would be enforceable. Whilst they were not represented today, their Solicitor had provided a statement in support of the Applicant's case, which was read to the Hearing. Members noted that the premises, under its current licence, had the benefit of 12 occasions a year where it could, subject to the agreement of the City of London Police, operate beyond its permitted hours. The Applicant stated that, in the event of this application being granted, he would seek the removal of this permission. The Police were in attendance and confirmed that they could welcome a 'tidying up' of the Licence in this way. The Applicant tabled a revised dispersal policy and accepted they had been taken somewhat off guard by the aftermath of the event in June, due to the sheer numbers that the event had attracted, but there had been no incidents of this scale since. The applicant produced for the committee the dispersal policy they had put in place.
12. The Applicant felt they did their utmost to be neighbourly by keeping in regular contact with the Hotel and the Church and had introduced additional noise reduction measures since the incident in June this year. The Applicant also advised that promoters would be banned from using the premises if an event was particularly rowdy and/or they failed to control dispersal.
13. The Chairman then invited questions, as follows:
  - 13.1 The premises used 4 promoted event suppliers, which were Police approved and management met with promoters before events. Promoters were required to use Roma's equipment. Two events had been cancelled, 1 promoter had been banned following a disturbance and 1 event was cancelled on the basis of being rated by the Police as a medium risk. The Applicant felt the premises had a good relationship with the Police and the Police representative confirmed this.
  - 13.2 Readings were taken outside the premises, on both sides, with a noise meter and this equipment could also detect vibrations from a base rhythm. The Applicant accepted that it could not determine source or directional noise. Members suggested that the premises work with Environmental Health in order to determine readings from the first floor level, which particularly affected the Rector and his family. The Applicant confirmed that they already worked with the Environmental Health Service in respect of calibrating the equipment.

- 13.3 The Environmental Health officers confirmed that both Roma and Proud had been observed and accepted that neither the Environmental Health service nor the Premises could fully control dispersal and would need the Police to intervene if it became particularly troublesome.
  - 13.4 The Police accepted the elevated risk of noise pollution from promoted events generally in this area and the cumulative impact from crime and disorder. The Police therefore felt that the application provided an opportunity to 'tidy up' the Licence and could enable better enforcement of the conditions. The Police also confirmed that they did not have the resources to patrol all late night promoted events. Generally, the Police received more referrals from other premises in this area, however, their risk assessments were in respect of crime and disorder and not noise (i.e. public nuisance).
  - 13.5 The Police had recently asked for a Licence application to be reduced from 6 am to 3 am for premises where the nearest residents were further away than the Rector and his family and advised that they had done so in order to protect the Licence.
14. Those making representations felt that the action of the Police and Environmental Health in this matter had been too reactive and not proactive and granting this application would regularise the disturbance already being experienced.
  15. The Chairman then requested final summary statements, as follows:
    - 15.1 Ms Fredericks felt that the Licence's conditions in respect of public nuisance were already in breach from the break-through noise and the noise and anti-social behaviour of patrons on dispersal and from their cars. Ms Fredericks reminded the Sub-Committee of the narrow streets in this generally quiet area which was being regularly disturbed in the early hours of the morning. Finally, she felt that the applicant should take heed of the comments taken today and seek to comply with the conditions on the existing premises licence before seeking an extension.
    - 15.2 The Applicant reiterated that there had been no serious incidents since June this year, their dispersal policy was robust and they had a good working relationship with the Police. They agreed to work more closely with the Environmental Health Team and would share their emergency contact numbers more widely.
  16. The Sub-Committee retired at 12.25.
  17. At 12:45pm the Sub-Committee returned from their deliberations and explained that they had reached a decision. The Chairman thanked those who had remained to hear the decision of the Sub-Committee.

18. In reaching the 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.
19. Furthermore, the Sub-Committee had regard to the duty to apply the statutory test as to whether an application should or should not be granted, that test being that the application should be granted unless it was satisfied that it was necessary to refuse all, or part, of an application or necessary and appropriate to impose conditions on the granting of the application in order to promote one (or more) of the licensing objectives.
20. In determining the application, the Sub-Committee first and foremost put the promotion of the licensing objectives at the heart of their decision; in this instance the most relevant of those objectives being the prevention of public nuisance. 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."*
21. In reaching its decision, the Sub-Committee took into account the Applicant's good relationship with the Police and willingness to work more closely with the Environmental Health Service; along with their revised dispersal policy, improved noise reduction measures and the lack of any serious incidents since June this year. However, they did not feel that the noise mitigation measures proposed by the Applicant would sufficiently reduce the risk of public nuisance, as noise on dispersal would be beyond their control, given the quiet nature and narrow streets in this area.
22. In reaching its decision, the Sub-Committee took into account the submissions made both in writing and verbally by those opposing the application. Whilst noting a lack of environment health records of the noise disturbance and the fact that they had not made a representation, the Sub-Committee accepted the concerns of the local residents and Apex Hotel about noise disturbance in the early hours of the morning. They were particularly concerned at the close proximity of the Rector and his family and the impact on his working hours on Sunday mornings.
23. The Sub-Committee therefore considered whether or not it was necessary or appropriate to reject the application in its entirety. The Sub-Committee concluded that, whilst acknowledging the Applicant's attempts to address these concerns, did not feel that the measures proposed by the Applicant would sufficiently reduce the risk of public nuisance.
24. The Sub-Committee concluded that residents had the right to expect undisturbed sleep between 23.00-07.00. It acknowledged that residents were already suffering nuisance in the early hours of the morning and in granting the application to extend the permitted hours on Fridays and Saturday would, in all likelihood, result in an increase in the duration of nuisance and disturbance which it considered to be unacceptable. The Sub-Committee therefore decided not to grant a variation to the premises licence. The Sub-Committee were also mindful

of the comments suggesting that the Premises might be in breach of their existing conditions and would urge the Applicant to pay due attention to comments made at the Hearing.

25. The Sub-Committee therefore decided to reject the Application for a Variation to a Premises Licence.

The Chairman thanked all parties for their attendance and explained that written confirmation of the decision would follow.

**The meeting closed at 12.55 pm**

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Chairman

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## MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE

HELD ON WEDNESDAY, 24<sup>TH</sup> JANUARY AT 2.30 PM

**APPLICANT:** Barbican Centre, Silk Street, London EC2Y 8DS  
**PREMISES:** Beech Street Tunnel, Silk Street to Bridgewater Street,  
London EC2Y 8AD

### Sub Committee:

Ms Sophie Anne Fernandes (Chairman)  
Deputy Jamie Ingham Clark  
Ms Marianne Fredericks

*Deputy Ingham Clark and Ms Fredericks advised the Sub Committee that they had excused themselves from any deliberations or decisions when this event appeared on agendas on other City committees they served on.*

### Officers:

Town Clerk – Julie Mayer/Leanne Murphy  
Comptroller and City Solicitor – Paul Chadha  
Markets and Consumer Protection – Peter Davenport

### Given Notice of Attendance:

### Applicant:

Sir Nick Kenyon, Managing Director – Barbican Centre  
Huw Humphreys, Head of Music – Barbican Centre  
Alistair Pickard, Site Production Manager – Barbican Centre

### Making representations:

Jo Boait	Barbican Estate resident – Ben Jonson House
Robert Barker	Barbican Estate resident – Cromwell Tower
Sandy Wilson	Barbican Estate resident - Shakespeare Tower

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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 Beech Street Tunnel, Silk Street to Bridgewater Street, London EC2Y 8AD, the applicant being the Barbican Centre.

The Sub Committee had before them the following documents: -

Annex – Report of the Director of Markets and Consumer Protection

APPENDIX 1	Copy of application
APPENDIX 2	Representations from other persons
APPENDIX 3	Map of subject premises together with other licensed premises in the area and their latest terminal time for alcohol sales
APPENDIX 4	Plan of Premises

- 
1. The Hearing commenced at 2.30pm.
  2. At the commencement of the Hearing, the Chairman invited the Applicant to set out their application and noted a supplementary report, which had been shared with Members of the Sub Committee, those making representations and added to the City of London Corporation's Web site. It was noted that of those making representations, one was as previously advised, two were absent and two new speakers were agreed.
  3. Sir Nicholas Kenyon, Managing Director of the Barbican Centre, introduced the Barbican Centre's application by explaining that, as part of Culture Mile and the Barbican Centre's Open Fest weekend, the essential element would be a contemporary/classical music light and sound event, which required a licence for recorded music. There would be no sale of alcohol at the event and neither the police, emergency services nor responsible authorities had made representations. The Barbican Centre had met with the Barbican Association in November 2017, ahead of submitting their Licence application on 1<sup>st</sup> December 2017. The Sub Committee were advised that, due to the tight timescale, it had not been possible to conclude the consultation process, but this had been on-going, via a residents' sub committee, which had continued to meet.
  4. In respect of road closures, the Sub Committee noted that this decision was outside the remit of this Hearing, but Members of the Policy and Resources Committee had asked for this to be reduced.
  5. Mr Huw Humphreys, Head of Music, Barbican Centre set out the artistic aspirations for the event and the involvement of '59 Productions', who had been involved in the 2012 Olympics Opening Ceremony. The Sub Committee were advised that music would be played at 30-minute intervals, on the hour, at a range of levels and with controlled sound levels.
  6. Resident Access would be maintained at all times, including the car parks. Some of the works would curtail access to the tunnel, on a few occasions and for safety reasons, and pedestrians would be directed over the high-walk.
  7. Those making representations were then invited to put their case. Mr Wilson (Shakespeare Tower) accepted that residents were accustomed to a certain amount of ambient traffic noise but was concerned about some unknown elements associated with the event. However, Mr Wilson acknowledged the high standard of Barbican exhibitions generally and the Film Night at Frobisher Crescent, which had been particularly well organised, albeit in different circumstances. Given the likelihood of further Culture Mile Events, Mr Wilson also



suggested that a more robust consultation should have been in place. Ms Boait (Ben Johnson House) endorsed Mr Wilson's comments in respect of consultation. Furthermore, she did not fully understand the technical nature of 'low sound pressure' and was concerned about the repetitive nature of the music.

8. Mr Barker (Lauderdale Tower) also challenged the account of the consultation, as he understood this had not taken place before the application was submitted. However, Sir Nicholas challenged this statement as the first consultation meeting had taken place in November 2017, at which Mr Barker had been present, and the application was submitted on 1<sup>st</sup> December 2017. Mr Barker had further concerns in respect of the public safety aspects of queueing and dispersal, which may spread into parts of the Barbican Estate and sought assurance that the sound would not reach residents' flats. He was also concerned that there might be further inconvenience generally as a result of increased traffic in the area, although the Sub Committee were reminded that road closures were beyond the remit of this Hearing.
9. The City Solicitor was called on to provide advice on enforcement and confirmed that, in the event of a breach of any of the provisions of the Licensing Act 2003 the City of London Corporation would not be able to take action against itself.
10. Sir Nicholas responded to the above representations by advising the Sub Committee of the rationale behind the requested hours, i.e. the performances would run from 3.00pm on Saturday 17<sup>th</sup> March with the last performance starting at 22.00 hrs and ending at 22.30 hrs; likewise, on Sunday from 12.00pm to the last performance starting at 22.00, lasting 30 minutes. The Comptroller and City Solicitor informed the Panel and the Hearing that the times allowed for sound checks were outside the remit of this Sub Committee as they do not fall within the definition of "regulated entertainment" which requires the presence of an audience. The Barbican Centre were fully aware of residents' concerns in respect of access and this would be discussed with the consultation group closer to the event.
11. The Barbican Centre was also very aware of noise concerns and advised the Sub Committee that, whilst part of Beech Street Tunnel bordered Shakespeare Tower, the event would be to the east of the area and a structure within that part of the tunnel would contain the sound to a certain degree. Sir Nicholas advised the Sub Committee that the nature of the event would be a low volume experience, immersed in sound and not a raucous gathering. The Barbican Centre were also keen to work with Environmental Health to keep volumes appropriate during testing across the Estate. Mr Humphreys further explained that this would need to be done once the equipment was installed; hence the length of the sound check times on both Friday and Saturday, 16<sup>th</sup> and 17<sup>th</sup> March 2018. In response to a question about the drapes at either end of the tunnel, the Sub Committee noted that they would be made from noise reducing materials, commonly used in theatres and the openings in the roof would be inside this area. The Barbican Centre would be in full control of the noise levels at all times.
12. During the event, signs would be clearly displayed along the tunnel reminding patrons that this was a residential area and directing them to the most convenient

and least intrusive exits. The projectors used during the event would also be used to convey these messages. Members asked if the event could be evened out to prevent surges and the applicant advised that the ticketing software would enable this, and it had worked well during their 'Basquiat' event.

13. During questions to the applicant, Members suggested that the original application should have addressed the 4 Licensing Objectives in more detail. They also asked about engagement with residents during sound testing, particularly affecting those residents above the tunnel, and suggested that sound checks be made at 10.30pm on the Friday evening, as this would be a more realistic comparison. Mr Pickard referred Members to the supplementary report and advised that safety planning meetings with Health and Safety Advisors and Traffic Planners would be ongoing up to the time of the event, covering queueing, dispersal and number of stewards, etc, and the event would not go ahead if these parties were not satisfied. The Sub Committee noted that the safety planning group would also be considering safe areas for bag checks, hostile vehicle mitigation and a possible double entry system.
14. There were further questions about public safety within the event, i.e. trip and fall hazards, and the Site Production Manager advised that the maximum capacity of the event would be 1,000, which was very low density for a public event (i.e. 1 person per sqm; usually such events were 2/3 per sqm). This low density would provide patrons with comfortable space to move between the carriageways, there would be barriers against equipment and stewarded crossing points to limit the risk from tripping over kerbs. The event would be free but ticketed to control numbers.
15. In response to a question about possible carbon monoxide levels in the tunnel, which might rise as a result of shutting off draughts, the applicant would be monitoring this with experts and safety planners and, should it rise above an unsafe level, excavation panels would be opened, and it would be fully evacuated if necessary. However, levels were likely to be considerably below the normal traffic level within the tunnel, in line with the City's future aspirations for the area.
16. Sir Nicholas advised that the start time was in keeping with the Barbican's family friendly offers generally and would be running at the same time as the Centre's 'Open Fest'.
17. The Chairman then requested final summary statements, as follows:
18. Sir Nicholas Kenyon felt that he had demonstrated how the Barbican Centre would work with their environment and safety partners and his team were very experienced in running outside events. The process of resident consultation, via the Barbican Association, was dependent on their on-going communications with the Barbican House Groups and the Barbican Centre was not responsible for how they shared information. He suggested that, as Culture Mile developed, so too would a strong communications plan with residents, to enable early discussions. Whilst he regretted Members' views in that the original application had been remiss, he felt the application laid out all the principles on which the event would

be taken forward and he hoped that the supplementary report demonstrated the activity underway, in addressing the principles of the Licensing Act, which had moved on since the application was first submitted. The Barbican Centre felt they could deliver a safe and enjoyable event and the Sub Committee were reminded that neither the police, emergency services nor responsible authorities (including the City of London Corporation's Environment Health Team) had made representations,

19. Whilst accepting that the Barbican had presented a good case today, those making representations still felt that some of the measures, particularly in respect of decibel levels, were largely subjective. Should the event go ahead, they would like to be consulted on the matter of sound levels. They also felt there was too much uncertainty surrounding dispersal, which may flow onto the highwalks, whether a concrete ramp would provide a safe queuing area and queue management generally.

20. The Sub Committee retired at 3.45pm

1. In reaching its decision, the Sub Committee considered the submissions made both in writing and orally by those opposing the application. Whilst accepting that the Applicant's Supplementary report satisfied some of the objectors' concerns, the Sub Committee felt that some of the mitigations proposed were subjective and felt that the Applicant should provide additional documentary evidence in order for them to reach an informed decision.
2. The Sub Committee therefore decided to defer its decision and advised those still present at the Hearing that, in order to reach a reasoned decision on the application, based on facts and evidence, and in order to satisfy the Licensing Objectives in respect of Public Nuisance and Public Safety, the Applicant was required, by 4.00pm on Monday 29<sup>th</sup> January 2018, to provide the following evidence, in order for the Sub Committee to reach its decision within 5 working days, i.e. 1<sup>st</sup> February 2018:
  - a) Technical data in respect of the drapes and the material to be used that will demonstrate their effectiveness in reducing sound.
  - b) The Dispersal Policy covering ingress and exit strategies – to factor in managing security/bag checks and the number of stewards.
  - c) Data from the sound tests conducted in November.

21. The Sub Committee met again on Tuesday 30<sup>th</sup> January 2018 to continue their deliberations, having received the following evidence, which had been set out under headings addressing the Licensing Objectives of Public Nuisance and Public Safety, as follows:

*NB. The Sub Committee noted that the documentation provided as additional evidence formed part of a detailed planning process and would be subject to review and approval by the City of London Corporation's Licensing, Operational*

*and Safety Planning Group (LOPSG) and Safety Advisory Group (SAG) and was not to be considered to be final approved documentation at this stage.*

- A. Indicative Measurements of the Absorptivity of Random Noise Through a Sample of Serge Fabric to be used in 'The Beech Street Tunnel Project and an Acoustic Test report through the fabric.
  - B. Queue/Dispersal Management Plan
  - C. Event Safety Plan
  - D. Site Plan
  - E. Security and Stewarding Staffing Plan
22. The Sub Committee noted that the applicant had further addressed the potential for noise nuisance late at night by amending the last performance time, to start at 21.00 hrs and finish by 21.30 hrs, to this end the Sub Committee sought to amend the terminal hour from 22.30 hrs to 22.00 hrs.
23. In reaching the 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.
24. Furthermore, the Sub Committee had regard to the duty to apply the statutory test as to whether an application should or should not be granted, that test being that the application should be granted unless it was satisfied that it was necessary to refuse all, or part, of an application or necessary and appropriate to impose conditions on the granting of the application in order to promote one (or more) of the licensing objectives.
25. In determining the application, the Sub Committee first and foremost put the promotion of the licensing objectives at the heart of their decision; in this instance the most relevant of those objectives being the prevention of public nuisance. 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"*".
26. In reaching its decision, the Sub Committee considered the submissions made both in writing and verbally by those opposing the application. Whilst Members agreed that the additional evidence provided by the applicant clearly showed attention to detail and due consideration of the Licensing Objectives, they also felt that it would have been helpful if it had been presented with the initial application or supplementary report, where possible, in the light of security or commercial sensitivity. Having found the

above documents satisfactory, the Sub Committee were satisfied that, with the imposition of suitable conditions, the application did not offend the licensing objectives and consequently agreed to grant a premises license as follows:

<b><u>Activity</u></b>	<b><u>Current Licence</u></b>	<b><u>New Licence</u></b>
Recorded Music	None	<p><b>Fri 16 March 2018</b> 08:00 – 18:00</p> <p><b>Sat 17 March 2018</b> 08:00 – 15:00 15:00 – 22:00*</p> <p><b>Sun 18 March 2018</b> 12:00 – 22:00*</p> <p>The last musical event (of 30 minutes duration) to start at 21.00 hrs on both Saturday 17 March and Sunday 18 March 2018.</p> <p><u>* This will begin 30 minutes earlier than in the application as a 22:00 performance has been cancelled.</u></p>

The Sub Committee then considered whether it was necessary and appropriate to impose conditions on the licence and decided to impose several Conditions on the Licence, as set out below:

1. A double layer curtain of at least the same quality of the example Serge Fabric presented in additional evidence document A to be in place at either side of the tunnel and to be closed at all times, except for ingress and egress to the event.
2. The availability of a contact number to all residents on the Barbican Estate in case of complaints.
3. Very clear signage at the event space in respect of the Barbican Estate being a residential area and urging patrons to leave quietly and quickly. This information to be projected throughout the tunnel and appear as part of the ticket information.
4. The number of stewards as set out in the Security and Stewarding Staffing Plan, dated 26 January 2018, should be considered as a minimum of any final number agreed in subsequent plans.
5. Preparation and development of a Dispersal Policy, including queue management.

The Sub Committee noted the Safety Plan and Environmental Health's recommendations and stressed that the Applicant should work with both Environmental Health and residents in respect of sound levels. The Sub Committee strongly recommended that a proactive and robust communications policy be in place when planning future Culture Mile events.

**The meeting closed at 12 noon on 30<sup>th</sup> January 2018.**

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Chairman

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<b>Committee(s)</b>	<b>Dated:</b>
Licensing Committee	7 February 2018
<b>Subject:</b> Late Night Levy – 12 Month Report (1 Oct 2016 – 30 Sep 2017)	<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Decision</b>
<b>Report author:</b> Peter Davenport - Licensing	

## Summary

A Late Night Levy has been operating within the City of London since 1 October 2014. This report looks at the third year of operation and details the number of premises that are paying the Levy, the income collected and how that money has been spent to date.

The evidence shows that a similar number of premises were liable to pay the Levy at the beginning of the fourth Levy Year due to their terminal hour for selling alcohol being after midnight, as at the beginning of the first Levy Year.

The income collected has enabled the licensing service to continue with operating its unique risk scheme combined with Safety Thirst, a best practice scheme. The Police and The Department of Built Environment's Cleansing service have been able to put additional resources into those areas that are affected by the night time economy directly affecting the levels of crime and disorder and public nuisance.

## Recommendation(s)

Members are asked to:

1. Agree the way in which the City of London Police's share of the Levy is to be administered as outlined in paragraphs 18 – 20 of this report.
2. Agree that the Late Night Levy should continue to operate for at least a further three years.
3. Require officers to prepare an annual account of the operation and effect of the Levy which is to be reported to the Licensing committee.

## Main Report

### Background

1. The Police Reform and Social Responsibility Act 2011 introduced the power for licensing authorities to impose a Late Night Levy on those premises selling alcohol after midnight. The aim of the Levy is to empower local areas to charge businesses that supply alcohol late into the night for the extra costs that the night-time economy generates for police and licensing authorities.
2. On the 28 April 2014 this Committee considered a report on the introduction of such a Levy within the City of London and recommended to the Court of Common Council on 12 June 2014 that the Levy be adopted. The Levy was adopted and introduced within the City from 1 October 2014.
3. The Levy is applied to all premises selling alcohol after midnight between the hours of 00:01 and 06:00. Premises selling alcohol after midnight due solely to a condition permitting them to sell on New Year's Eve would still be liable to pay the Levy.

### Current Position

#### Premises Liable

4. In the April 2014 report to this Committee there were 290 premises that were expected to pay the Levy when it became effective assuming none wished to vary their hours for free prior to the Levy starting. During the first Levy Year (October 2014 to September 2015) 308 premises paid the Levy. During the third Levy Year (October 2016 to September 2017) 300 premises were subject to the Levy. This would appear to indicate that the Late Night Levy is not a deterrent to those premises wishing to operate after midnight from doing so.

#### Generated Income

5. The amount of the Levy is prescribed nationally and is based on the premises rateable value. The annual charges for the Levy, and weekly equivalents, are:

**Table 1: Levy Payable by Premises**

Rateable Value (£)	Rateable Band	Amount of Levy (£)	
		Annual Levy	Weekly Equivalent
0 – 4,300	A	299	5.75
4,301 – 33,000	B	768	14.77
33,301 – 87,000	C	1,259	24.21
87,001 – 125,000	D	1,365 (2,730*)	26.25 (52.50*)
125,001 +	E	1,493 (4,440*)	28.71 (85.39*)

*\* Where a multiplier applies for premises used exclusively or primarily for the supply of alcohol for consumption on the premises (bands D & E only)*



6. The total amount collected in each Levy Year to date, and the apportionment between administration costs, the City Police and the City Corporation each year, is shown in Table 2 below. Forecast income for the first half of the fourth Levy Year, expected to remain broadly in line with the same period in previous years, is also included.
7. The Levy may produce a slightly higher figure for Year Four due to the Valuation Office Agency re-assessing the rateable bands of premises in 2017 and some premises moving into a higher band.
8. The total amount collected and apportioned to the City Corporation, and to be collected over the next few months, is as follows:

**Table 2: Levy Income and Apportionment by Levy Year**

<b>Levy Year</b>	<b>Total Collected £000</b>	<b>Admin Cost £000</b>	<b>Police Share (70%) £000</b>	<b>City Share (30%) £000</b>
1 (Oct 14 – Sep 15)	445	25	294	126
2 (Oct 15 – Sep 16)	468	15	317	136
3 (Oct 16 – Sep 17)	454	15	307	132
4 (Oct 17 – Mar 18) (part year)*	112	5	75	32
<b>TOTAL</b>	<b>1,479</b>	<b>60</b>	<b>993</b>	<b>426</b>

*\*Forecast figures*

9. A breakdown of the City Corporation's share of the income by both Levy and Financial Year is as follows:

**Table 3: Breakdown of City Corporation's share of the Levy income**

<b>Table 3 Levy Year</b>	<b>2014/15 £000</b>	<b>2015/16 £000</b>	<b>2016/17 £000</b>	<b>2017/18 £000</b>	<b>TOTAL</b>
1 (Oct 14 – Sep 15)	39	87	0	0	126
2 (Oct 15 – Sep 16)	0	41	95	0	136
3 (Oct 16 – Sep 17)	0	0	32	100	132
4 (Oct 17 – Mar 18) (part year) *	0	0	0	32	32
<b>TOTAL</b>	<b>39</b>	<b>128</b>	<b>127</b>	<b>132</b>	<b>426</b>

*\* Forecast figures*

### **Safety Thirst Scheme**

10. Legislation permits a local authority to give a 30% discount on the Levy payment for those premises that participate in a best practice scheme. The scheme has to show why membership of it is likely to result in a reduction of alcohol-related crime and disorder, there is a requirement for active participation by scheme members and those members who do not participate appropriately can be removed from the scheme. The scheme currently used by the City Corporation is the Safety Thirst Scheme.

11. The Safety Thirst Scheme has been running for a number of years but was completely revamped in 2014 prior to the Levy being adopted. It lays down a set of criteria in a number of areas that premises either must meet or are expected to meet. Those premises meeting the 'must meet' criteria can join the scheme and receive a 30% discount in their Levy payments.
12. The number of premises achieving membership of the scheme during 2015 was 32 of which 26 were subject to the Levy. The number achieving membership in 2017 was 46 of which 39 were subject to the Levy.

### **How the Levy has been spent – City Corporation**

13. The City Corporation are required to spend their allocation of levy money in specific areas namely:
  - The reduction or prevention of crime and disorder
  - The promotion of public safety
  - The reduction or prevention of public nuisance
  - The cleaning of any highway maintainable at the public expense within the City of London (other than a trunk road) or any land to which the public are entitled or permitted to have access with or without payment and which is open to the air
14. Of the total Levy funds apportioned to the City Corporation to the end of 2017/18 (including the forecast for the first half of Levy Year Four) the following amounts have so far been spent or committed:

**Table 4: City Corporation Levy Expenditure to 31 March 2018**

<b>Financial Year</b>	<b>Area of expenditure</b>	<b>Cost £000</b>	
2015/16	Out of Hours Team	20	
	Funding of Licensing Posts	30	
	Cleansing	34	
	<b>Total 2015/16</b>		84
2016/17	Out of Hours Team	20	
	Funding of Licensing Posts	39	
	Cleansing	64	
	Club Soda	30	
	<b>Total 2016/17</b>		153
2017/18	Out of Hours Team	20	
	Funding of Licensing Posts	39	
	Cleansing	64	
	Club Soda	20	
	<b>Total 2017/18</b>		143
	<b>Total Expenditure</b>		<b>380</b>
	Unspent Balance		46
	<b>Total Levy Funding (COL)</b>		<b>426</b>

- a) Out of Hours Team. The team operate between 00:00 and 06:00 and can provide a rapid response to complaints relating to public nuisance – usually in the form of noise. In addition, the team are able to identify areas where, although no complaint has been received, problems do, or may exist. This information is fed back to the Licensing Service who are able visit the premises concerned and discuss ways in which problems can be avoided.
- b) Part funding of new posts. In order to help prevent problems occurring the City Corporation introduced a Risk Assessment Scheme whereby issues relating to premises carry a score which is recorded and used to identify where problems may occur. The Licensing Service and City Police are then able to meet with the premises and discuss ways in which problems can be avoided. The scheme was previously operated by staff with no means of sustaining their funding. Although the risk scheme is for all premises over 90% of those premises obtaining points sell alcohol after midnight. The scheme, along with the work of the City Police and others, has resulted in the number of licensing hearings reduced from approximately 18 per year to currently only 10 per year.
- c) Cleansing – The Department of the Built Environment provides a cleansing service through their term contractor Amey that is funded from the Levy. This service covers all areas of the City and operates Thursday to Sunday (inclusive) during the hours that the Levy is applicable.

The Levy funded cleansing team visits locations throughout the City, sweep, clear litter, wash, disinfect and deal with any anti-social behaviour issues and staining identified around licensed premises. They also provide a service for one-off licensed events. Scheduled flushing and washing is carried out on streets around these locations, as well as removal of flyers and other related litter that is generated by the night time economy. Part of the enhanced service also covers the flushing and washing of transport hubs.

This service has a positive effect on the cleanliness and image of the City. The cleansing management team believe that this service addresses the additional challenges raised by the increasing night time economy. The service is monitored by the Street Environment Team (COL) and Amey Environmental Managers to make sure the required standards are achieved.

During 2016/17 additional power washing was carried out to clean areas particularly affected by the night time economy. The areas targeted being Cloth Fair (to include alleys beside public houses), Eastcheap (to include Lovat Lane, Pudding Lane and Monument), Muscovy Street (to include Trinity Square, Minories and Aldgate), Bishopsgate Area and Leadenhall Street (to include Cornhill and Royal Exchange). This is continued during 2017/18.

- d) Club Soda – Club Soda are an East London based startup helping people whether they want to drink more mindfully, or go alcohol-free. Club Soda offer online behaviour change tools, email programs, workshops and socials, and a supportive community.

Initial payments to the group have helped fund a guide for City pubs where they can self-assess their performance in the provision of alternative drinking

options. During the six month project, Club Soda visited all venues in the City of London that sell alcohol after midnight. Certain aspects of the scheme have been dovetailed into the Corporation's Safety Thirst scheme.

For 2017/18 the scheme is to be enhanced to include hotels, restaurants and other premises. Only that part of the project dealing with premises selling alcohol after midnight will be funded by the Levy. This is estimated to be between £20k and £30k.

15. Table 4 shows that a total of £380k has been spent or committed by the City Corporation to the end of March 2018, and £46k of the income for the same period remains unallocated.
16. Regular discussions are in place between relevant parties in order to ascertain the best way in which this balance, and the ongoing income in future Levy Years, can be used. This will include consultation with the Levy payers.

### **How the Levy has been spent – City of London Police**

17. Unlike the City Corporation, the City of London Police does not have restrictions as to what they can spend their allocation of the Levy on. However, it was indicated that the money would be used to fund additional work related to policing of the Night Time Economy
18. A Late Night Levy Planning Meeting (LNLPM) meets quarterly to discuss Levy spend by the Police. However, to agree final spend the process is onerous and could take time to agree with requests being submitted to Force Tasking.
19. It is the intention that future LNLPM meetings will be chaired by the Chief Superintendent of Uniformed Policing and attended by other representatives of CoLP and COL including Licensing, Environmental Health, Community Safety and Finance.
20. The governance of this meeting will replace the requirement for requests for Levy funds to go to Force Tasking for approval. It is also suggested, until further notice, that the management, accounting and allocation of monies will be carried out by the City Corporation, once approved by the LNLPM. It is considered that this will assist with clarity, accuracy and simplicity of future reports to Committee and other interested parties.
21. Details of the City of London police expenditure for Levy Year Three (Oct 2016 to Sep 2017), and allocated expenditure to date for Levy Year Four (Oct 2017 to Mar 2018) can be seen as Appendix 1.

### **Corporate & Strategic Implications**

22. The proposals within this report will help to meet one of the overriding aims contained within the new draft Corporate Plan 2018-23 namely to 'Contribute to a Flourishing Society' by way of making people safe and feel safe.

## **Implications**

23. Any money retained by the City Corporation from the Levy income must be spent on the areas referred to in paragraph 13, although it does not have to be spent in the same Levy year in which the income was generated.
24. Any expenditure in excess of the income received would need to be met from existing local risk budgets.

## **Conclusion**

25. The number of premises paying the Levy has not reduced significantly in Year Three.
26. Forecasts for the fourth Levy Year (1 October 2017 to 30 September 2018) are that income is likely to be maintained at a level similar to the first three years.
27. With Police achieving results which are likely to directly reduce the incidence of crime and disorder, and the number of hearings heard by the Licensing Committee being also reduced, it would appear that the Levy money is having a positive effect on the night time economy.
28. As such, the Late Night Levy should continue to operate for at least a further three years.

## **Appendices**

- Appendix 1 – Police Expenditure

## **Background Papers**

Report to Licensing Committee 11 July 2016: 'Late Night Levy – Interim Report.'

Report to Licensing Committee 01 February 2017: 'Late Night Levy – 12 Month Report.'

Home Office 'Amended Guidance on the Late Night Levy ' – 24 March 2015

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## **Appendix 1 - City of London Police - Late Night Levy spend 2016/17**

### **1) Allocation of Funds and Governance**

Between 1st October 2016 and 30th September 2017, the City of London Police (CoLP) received a total of £333,000 from the Late Night Levy. Use of these funds to date has been considered at the monthly tasking meeting, chaired by the Commander of Operations or Chief Superintendent of Intelligence and Information, to ensure it met the levy criteria and that funds were allocated appropriately against threat, harm and risk. All requests for funds from the Late Night Levy were presented as a case to the CoLP Force Tasking meeting as information and intelligence-led activity.

It has now been agreed between CoLP and City of London (CoL) that it would be mutually beneficial to reorganise the management of the levy funds and their allocation for spending. In future the Late Night Levy Planning Meeting (LNLPM) will continue to meet quarterly but will be chaired by the Chief Superintendent (Directorate Head) of Uniformed Policing (UPD). Present at this meeting will be representatives from other CoLP and CoL departments including Licensing, Environmental Health, Town Clerk's Community Safety and Chamberlains (for accountancy support).

The governance provided by this meeting will now replace the requirement for requests for levy funds to go to force tasking for approval. It has also been agreed that the management, accounting and allocation of monies will be carried out by CoL as an interim measure, once approved at LNLPM, rather than the CoLP finance department. It is considered that this will assist with clarity, accuracy and simplicity of the reporting process to committee and interested parties.

The purpose of this new structure is to ensure that funds are used expeditiously and precisely where required in an accurate and flexible way with all relevant partners to the Levy and the Licensing Liaison Partnership. This will also ensure a 'joined up' approach to the use of levy funds and the consideration of future projects are targeted to ensure the safety and success of the City's Night Time Economy (NTE). Fund management will react promptly to changing situations and spontaneous events whilst planning for future known events. It is recognised by all parties that the levy has been vital in

enabling NTE within the City to grow in a predominantly safe and well managed way.

## **2) Spend for 2016/17**

### **a) Additional Licensing Officer**

The levy has continued to fund an essential additional officer on attachment throughout the year for the police licensing team, at a cost of £55,550. This officer provides on-going resilience for the small team and is responsible for gathering and checking risk management information for promoted events. This information is processed using intelligence systems, both in the City Police and the Metropolitan Police Service as well as information available through open source research.

As a result, stakeholders are provided with the best information available for their events and can be warned about any particular issues identified in advance. Likewise, the force can ensure resources on duty are commensurate with any potential risks identified and are able to respond to issues connected with promoted events, where hundreds of people can be in attendance at one venue.

This officer has now built up considerable expertise in the promoted event scene as well as extending their efforts towards managing and removing risk from other late night venue activity.

Throughout this period, this work has resulted in premises or operators cancelling 13 events which were highly likely to have resulted in significant issues. This work has also prevented many more events taking place which although at face value were private parties were in fact events being promoted with tickets being sold to the general public. In these cases that was not known by the intended host venue until advised by police.

Throughout the period 901 promoted events were subject of the risk management process.



**b) Christmas Campaign 2016**

- a. £135,000 was agreed by Force Tasking in advance of the end of the 2015/16 levy year to provide a very comprehensive policing plan, Operation Present, the Christmas Campaign for 2016. This operation ran for four weekends from late November until the weekdays leading up to Christmas and saw a variety of uniformed police resources and uniformed specialists deployed, (such as dog handlers and firearms officers) providing very significant enhanced policing of the NTE. These officers were supported by additional crime investigation, intelligence and custody assets to ensure a continued presence on the street.
- b. Of note during the campaign was the success of the levy funded joint cycle patrols with a London Ambulance Service (LAS) paramedic throughout the night shifts. During recent Christmas campaigns we have found ambulance waiting times challenging and with increasing frequency found that police vehicles were either being tied up with taking people at risk to hospital themselves, or officers were waiting long periods of time with people on the street for an ambulance to arrive. This has had a considerable impact on availability of our resources, even when the Alcohol Recovery Centre was in place at Liverpool Street Station.
- c. The LAS paramedic assigned to the City for these shifts assessed 90% of calls as alcohol related and together with the police officer medic from the City of London Police, they used experience and expertise to triage and use the most appropriate pathway for each patient. Outcomes ranged from friends and family coming to collect people from the scene, use of various cab services, St John's ambulances for some intoxicated and incapable patients and the few front line ambulances we had to use, were mostly for more severe injuries (not always connected with alcohol) or mental health patients. Total patients triaged during the campaign was 92, with 73

(79%) of the ambulances called for these being cancelled by the paramedic following triage.

### **Christmas Campaign 2017**

£55,000 was agreed for use during the 2017 Christmas campaign. The deployments during this year's festive season were complete as part of 'business as usual' which saw the resources deployed in support of existing police resources, enhancing those resources rather than providing a separate operational structure.

Police resources were significantly enhanced on Thursday, Friday and Saturday nights from late November until 23<sup>rd</sup> of December. The resources included:

- A mobile enhanced licensing team which comprised Police Licensing Officers supported by other uniformed officers. This team accounted for 196 licensing visits during this period as well as answering calls for police assistance and attending incidents.
- An additional Police Support Group Unit of 1 Sgt and 6 PCs.
- An additional Dog Unit.
- Additional support from CID to investigate offences and process prisoners.
- A joint LAS/Police cycle response to casualties or intoxicated persons in order to assist with the triage of injured/intoxicated persons and management of ambulance resources.
- A mobile police station was situated at peak times in Liverpool Street to provide a point of contact and safe haven for the community, those seeking police assistance or vulnerable persons.
- Street Pastors to provide assistance/support to vulnerable individuals.

### **c) Licensing Operations**

Dedicated licensing operations throughout the year have been funded by the levy, with scrutiny of each funding bid provided by the Force Tasking meeting. £60,000 has been spent on late night licensing operations, with deployments taking place at least on a monthly basis, usually around the City payday. The deployments comprise an enhanced Licensing Team who patrol premises and conduct detailed premises visits, promoting good governance

throughout the NTE. These visits are also carried out in conjunction/parallel to COL Licensing/Environmental Health/London Fire Brigade operations and the joint intelligence is combined in the City's Risk Assessment scheme to monitor both the general and specific premises.

During these deployments, the police licensing team attended 56 incidents of violent crime or disorder as they occurred. This enabled the team to gather accurate information to identify the cause of incidents and subsequently address these issues with management or operators. The team conducted a total of 788 licensed premises visits funded by the levy and deployed on joint working initiatives together with the security Industry Authority Investigators and London Fire Brigade. Issues were identified and addressed whilst working with both these partner agencies ranging from unlicensed door supervisors to fire safety issues.

These deployments are supported by Project Servator officers, who are trained in specialist disruptive effects tactics. Project Servator's support to licensing deployments during this Levy period resulted in 11 arrests for possession or possession with intent to supply cocaine, heroin and other controlled substances. The team seized £8,000 in cash and £3,600 of cocaine (street value) as well as smaller quantities of heroin, MDMA and Diazepam.

The Licensing Team also deployed in the wake of the terror atrocities that struck London and Manchester. The purpose of these levy funded deployments was to engage with and reassure operators within the NTE. This engagement led to the organisation of a licensing forum held in September 2017 and a 'table top' exercise held at Wood Street Police Station. During the exercise at Wood Street late night operators, management of large venues and security personnel were exposed to a 'paper feed' scenario to inform judgement and decision making in the event of a terrorist attack within our NTE.

#### **D) Other Spending Commitments**

£5000 was agreed in April 2017 to carry out a covert police investigation into the supply of class A drugs (cocaine), to patrons at a City licensed premises. It was established that at least one member of staff at these premises was supplying cocaine to patrons over an extended period of time. The operation concluded with police executing a warrant at the premises whilst it was in operation and arresting two members of staff. One member of staff was

subsequently charged and convicted for supplying class a drug (cocaine) and imprisoned for 28 months.

£55,000 and a further £5,000 per annum (for maintenance and upkeep) was agreed for the lease and build of a marked CCTV vehicle. Bids were submitted by two firms specialising in the build of bespoke police vehicles. The initial submissions by these firms were inadequate in their detail with regard to battery power and camera quality/specification. Fresh documentation has been obtained which is being evaluated by force experts to ensure the vehicle and its equipment will provide what is required of it. It is intended that this vehicle will support both the policing of violence and disorder as well as providing a useful Counter Terrorism tool to safeguard the NTE.

£5000 was agreed to provide training and equipment to the City Of London Street Pastor Scheme. This scheme was launched Friday 14<sup>th</sup> July.

#### **E) Plan for future spend**

The City of London Police has found funding from the levy a crucial factor in delivering these activities throughout the year and use of the fund for the next year was considered at the LNLPM in October 2016 and will be reviewed again in January 2017. Decisions from this meeting are shown below, although these will be subject to any changes in demand and approval by Force Tasking.

- Continuation of licensing operations and increased resources at peak times and in response to any late night issues arising
- Continued funding of an additional licensing officer
- Joint working deployments together with SIA and LFB partners
- Use of Project Servator officers to support late night licensing operations
- Delivery of a comprehensive Christmas Campaign in December 2018.
- Joint paramedic and police patrols pilot during the Christmas campaign 2018.
- Additional resources if required in the early hours of New Year's Day 2018.

- Enhanced resources for May and Easter bank holidays to meet an expected increase in demand, due to promoted events held over these weekends.
- Lease and maintenance of CCTV vehicle/s to deter crime and anti-social behaviour stemming from the NTE and gather evidence following any incidents
- The consideration of future project proposals for CoLP and with partners which are targeted to ensure the safety and success of the City's Night Time Economy (NTE).

Consideration was given to the 'Clapham Hub' style of operation and use of the levy. Inspector Douglas attended a presentation of the hub delivered by Metropolitan Police Officers involved in its inception. Also present at this delivery were other Police Licensing Officers from the London area, security operators and SIA staff. It is considered that even though this model is perfect for the Clapham NTE it is not a 'one size fits all model'. Many of the initiatives and safeguards that are in place in the City were present in Clapham before the model and indeed the culture, geography and demographic of patrons is fundamentally different. The City Police Licensing Team intend to pursue a bespoke, flexible, intelligence led approach which will only be further supported by the fresh look at fund governance. CoLP will continue to deploy additional resources to push a whole range of options in conjunction with partner agencies and specialist police teams to make the City as safe a place as possible for all to enjoy.

**Table 1: City of London Police Actual and Allocated Spend Oct 2014 to March 2018.**

	<b>Expenditure</b>	<b>Income</b>
<b><u>Levy Year 1</u> (Oct 2014 - Sep 2015)</b>	<b><u>£000's</u></b>	<b><u>£000's</u></b>
Additional Officer	51	
Xmas 2014	76	
New Year's Eve 2014	9	
Licensing Operations (various)	45	
<b><u>Total</u></b>	<b><u>181</u></b>	<b><u>294</u></b>
<b><u>Levy Year 2</u> (Oct 2015 - Sep 2016)</b>		
Additional Officer	55	
Xmas 2015	95	
Licensing Operations (Various)	60	
Alcoblow devices	2	
Evidence Gathering	21	
Increased trade resources	9	
Reassurance Patrols	6	
<b><u>Total</u></b>	<b><u>248</u></b>	<b><u>317</u></b>
<b><u>Levy Year 3</u> (Oct 2016 - Sep 2017)</b>		
Xmas 2016	135	
Covert Investigations	5	
Additional Officer	56	
Licensing Operations	60	
CCTV Van (Allocated)	60	
Street Pastor Scheme	5	
<b><u>Total to date</u></b>	<b><u>321</u></b>	<b><u>307</u></b>
<b><u>Levy Year 4</u> (Oct 2017 - Mar</b>		

<b>2018 – Part Year)</b>		
<b>Additional Officer</b>	28 (Allocated)	
<b>Xmas 2017</b>	55	
<b>Licensing Operations (Various)</b>	30 (Allocated)	
<b>CCTV Van Maintenance</b>	3 (Allocated)	
<b><u>Total</u></b>	<b><u>116</u> (Allocated)</b>	<b><u>75</u> (Projected)</b>
<b><u>Overall total to date</u></b>	<b>866</b>	<b>993</b>

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<b>Committee(s)</b>	<b>Dated:</b>
Licensing Committee	7 February 2018
<b>Subject:</b> Gambling Act – Annual Review of Fees 2018/19	<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Decision</b>
<b>Report author:</b> Peter Davenport - Licensing	

## Summary

The City of London Corporation has to set annual fees for those premises requiring a licence under the Gambling Act 2005. The report outlines current case law which has indicated that the process for setting the fees must be robust and that income received through the licensing process cannot exceed the cost of obtaining that income.

The matters considered by the licensing service in setting the proposed fees are discussed and include all aspects within the licensing process.

The proposed fees will result in a similar income compared with previous years. Some fees have been increased due primarily to slight increases in staff costs and the production of a new Statement of Licensing Principles (policy) during 2018.

## Recommendation(s)

Members are asked to:

- Agree the proposed fees for 2018/19 as set out in Appendix 1 (column six).

## Main Report

### Background

1. The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (the 'Regulations') sets out the statutory provisions and limitations for setting gambling fees.
2. The City of London Licensing Authority must determine the appropriate fees subject to a maximum as set out in the schedule to the regulations. The fee structure allows for various types of applications associated with varying classes of premises licence, many of which do not currently apply within the City of

London e.g. Casinos, bingo Halls. The maximum fees permissible can be seen in Appendix 1, column 4.

3. Licences are valid for life from the date of grant unless surrendered or revoked. An annual fee is due for payment within thirty days of the licence issue (effective date) and then annually thereafter.
4. Section 212 of the Gambling Act 2005 states that the licensing authority, '...shall aim to ensure that the income from fees of that kind [*determined by the licensing authority*] as nearly as possible equates to the costs of providing the service to which the fee relates...'.
5. A High Court case held on 16 May 2012 (*R (Hemming and Others) v Westminster City Council*) concluded that the amount of the fee is required to be determined every year and further that a local authority was precluded from making a profit from the licensing regime. A full account of the fee income and expenditure would therefore need to be considered to ensure a surplus is not being made.
6. Successive appeals/decisions in the Court of Appeal, The Supreme Court and the European Court of Justice decided that the fee can include administrative costs involved, the costs of vetting the applicants (in the case of applications for a licence) and the costs of investigating/enforcing the licensing scheme including costs involved in enforcement against those premises that are not licensed.

### **Calculation of Fees for 2018/19**

7. In order to avoid possible complications arising from non-compliance with the Hemming decision, the licensing service has carried out an in-depth examination of the processes that are undertaken in order to administer the licence application/renewal and the costs of investigating compliance with any licence conditions.
8. In determining the proposed fee structure for gambling premises licences the following factors have been taken into account:
  - Officer time spent on processing applications including site inspections and the issue of any licence
  - Officer time spent on the development and maintenance of processes and guidance notes
  - Training of staff as necessary
  - A proportion of the service costs such as accommodation, equipment and central recharges
  - Officer time spent on inspections of licensed premises to ensure compliance with terms and conditions of any licence

- Time spent on the compilation of a new 'Statement of Licensing Principles'.

A further breakdown of those factors taken into account in the calculation of fees can be seen as Appendix 2.

- Gambling fees for 2018/19 have been calculated on the above basis for each of a number of different types of licence. Proposed fees have generally increased slightly. The primary reason for the increase is changes to staffing costs and the time taken to produce a new statement of licencing principles. Proposed fees can be seen as Appendix 1, column 6.
- The forecast number of applications for each type can be seen in the table below along with the number of licences/registrations that were actually granted in previous years.

	2016/17		2017/18		2018/19
	Forecast	Actual	Forecast	Actual	Forecast
New Betting Shop	1	1	1	0	0
Annual fee (renewal)	39	38	39	37	36
Variation Betting Shop	1	1	1	1	1
Transfer	0	0	0	0	2
Gaming machine permits	19	21	19	19	19

## Proposals/Options

- If fees are set lower than those recommended the result will be a deficit for 2018/19 as costs of administering the licence will not be fully met from income received.
- Fees set higher than those recommended will result in a surplus i.e. an income which exceeds the cost of providing the service.
- Any such under or over recovery of costs from 2018/19 will be calculated after the end of that financial year and will be carried forward to be taken into consideration in setting fees for 2020/21. The surplus or deficit on each fee type from 2016/17 has been taken into account when setting the fees for 2018/19. Ignoring a surplus or deficit could result in the City Corporation being subject to legal challenge.

## **Corporate & Strategic Implications**

14. The proposals within this report meet the statutory requirement to set fees for the licensing of activities within the Gambling Act 2005, as they apply to the City of London Corporation.

## **Implications**

15. Setting the recommended fees will result in an estimated income from Gambling licence fees for 2018/19 of £24,350, against a budgeted income of £24,000.
16. Setting fees above or below those recommended will have the implications as set out in paragraphs 11- 13 above.

## **Appendices**

- Appendix 1 – Proposed Fees for 2018/19
- Appendix 2 – Factors taken into account when calculating Fees.

## **Background Papers**

None

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Application Type	Estimated No	Current fee	Maximum permitted fee	Actual cost of licence/ permit <sup>1</sup>	Proposed Fee	Income Forecast
New Betting Shop	0	£680	£3,000	£897.68	£900	£0
New Casino (small) *	0	£2,710	£8,000	£3,172.71	£3,170	£0
New Bingo	0	£710	£3,500	£897.68	£900	£0
New AGC	0	£710	£2,000	£897.68	£900	£0
New FEC	0	£710	£2,000	£897.68	£900	£0
Annual fee Betting Shop	36	£580	£600	£810.19	£600	£21,600
Annual fee Casino (small) *	0	£1,050	£5,000	£1,299.91	£1,300	£0
Annual fee Bingo	0	£570	£1,000	£768.90	£770	£0
Annual fee AGC	0	£570	£1,000	£768.90	£770	£0
Annual fee FEC	0	£570	£750	£768.90	£750	£0
Variation betting shop	1	£300	£1,500	£299.13	£300	£300
Variation Casino (small) *	0	£2,300	£4,000	£2,561.67	£2,560	£0
Variation Bingo	0	£300	£1,750	£316.73	£320	£0
Variation AGC	0	£300	£1,000	£316.73	£320	£0
Variation FEC	0	£300	£1,000	£316.73	£320	£0
Transfer/reinstatement betting shop	2	£200	£1,200	£198.04	£200	£400
Transfer/reinstatement Casino (small)	0	£270	£1,800	£298.15	£300	£0
Transfer/reinstatement Bingo	0	£200	£1,200	£226.46	£230	£0
Transfer/reinstatement AGC	0	£200	£1,200	£226.46	£230	£0
Transfer/reinstatement FEC	0	£200	£950	£226.46	£230	£0
Provisional statement Betting Shop	0	£710	£3,000	£897.68	£900	£0
Provisional statement Casino (small) *	0	£2,710	£8,000	£3,172.71	£3,170	£0
Provisional statement Bingo	0	£710	£3,500	£897.68	£900	£0
Provisional statement AGC	0	£710	£2,000	£897.68	£900	£0
Provisional statement FEC	0	£710	£2,000	£897.68	£900	£0
New app with prov statement Bet Shop	0	£710	£1,200	£917.91	£750	£0
New app with prov statement Casino (sm)	0	£2,710	£3,000	£3,177.90	£3,000	£0
New app with prov statement Bingo	0	£710	£1,200	£917.91	£920	£0
new app with prov statement AGC	0	£710	£1,200	£917.91	£920	£0
New app with prov statement FEC	0	£710	£950	£917.91	£920	£0
Change of circumstances	2	£50	Statutory Fee	Statutory Fee	£50	£100
Copy of licence	0	£25	Statutory Fee	Statutory Fee	£25	£0
Temporary use notice (TUN)	0	£450	£500	£748.11	£500	£0
Replacement TUN (copy)	0	£25	Statutory Fee	Statutory Fee	£25	£0
Gaming machine permit (2 or less)	2	£50	Statutory Fee	Statutory Fee	£50	£100
Gaming machine permit (3 or more)	0	£150	Statutory Fee	Statutory Fee	£150	£0
Annual fee gaming machine permit (3 or more)	17	£50	Statutory Fee	Statutory Fee	£50	£850
Variation to gaming machine permit (3 or more)	0	£100	Statutory Fee	Statutory Fee	£100	£0
Transfer of gaming machine permit (3 or more)	0	£25	Statutory Fee	Statutory Fee	£25	£0
Small society lotteries (new)	15	£40	Statutory Fee	Statutory Fee	£40	£600
Small society lotteries (renewal)	20	£20	Statutory Fee	Statutory Fee	£20	£400
<b>Total</b>						<b>£24,350</b>

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## Appendix 2

Example of factors taken into account when calculating  
fee for a renewal of a gambling (betting shop) licence.

2018/19 (Proposed fee is maximum fee permitted of £600)

General queries:

Includes time spent answering emails and telephone calls	20.06
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Collection of Annual Payment:

Preparation of data for finance and update M3 database and public register	15.05
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Compliance Costs:

Includes inspections for checking compliance with licence conditions. Update information on database. Correspondence with licence holder	156.95
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Post renewal costs:

Member queries. Maintaining website. Quarterly return to Gambling Commission	45.30
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Policy:

Policy development. Committee work. Consultation with final report to Court of Common Council. Legislative updates. Training	531.54
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Previous Years:

Costs from previous years not yet recovered from fees	41.29
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810.19

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<b>Committee(s)</b>	<b>Dated:</b>
Licensing	07 02 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> Peter Davenport - 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.

It is proposed that this updated Policy (Appendix 1) and the two documents 'Local Area Profile' (Appendix 2) and the 'Guidance on Undertaking Risk Assessments' (Appendix 3) form the basis of the proposals sent for consultation.

## Recommendation(s)

Members are asked to:

1. Agree for consultation 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 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 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)	2
• Gaming Machine Permits (3 or more)	17

### **Current Position**

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

### **Proposals**

11. It is proposed that the draft document at Appendices 1,2 and 3 form the basis of the paper that will be forwarded to consultees. It is brought to your Committee today for any amendments considered necessary at this stage. It is proposed that the consultation period run for six weeks from Monday 19 February 2018 to Monday 2 April 2018.
12. It is intended to consult the following persons representing the interests of persons carrying on businesses in the City of London:
  - All licensees.
13. It is intended to consult the following persons 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, will also be consulted.
  15. Once the consultation is complete the responses will be considered, and the Policy further amended where considered appropriate. A final version of the consulted upon Policy will come before this Committee on 25 April 2018.
  16. The final report will then be formally adopted by the Court of Common Council in May 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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**FORWARD – (To follow)**



## **PART A**

### **GENERAL**

#### **1. Introduction**

1.1 The City of London Corporation provides local government services for the financial and commercial heart of Britain, the “Square Mile”. It is committed to maintaining and enhancing the status of the business City as the world’s leading international financial and business centre through the policies it pursues and the high standard of services it provides. Its responsibilities extend far beyond the City boundaries in that it also provides a host of additional facilities for the benefit of the nation. These include open spaces such as Epping Forest and Hampstead Heath and the Barbican Arts Centre.

1.2 The City of London combines its ancient traditions and ceremonial functions with the role of a modern and efficient local authority, looking after the needs of its residents, businesses and over 350,000 people who come to work in the “Square Mile” every day. Among local authorities the City of London is unique; not only is it the oldest in the country but it operates on a non-party political basis through the Lord Mayor, Aldermen and Members of the Court of Common Council. The Lord Mayor, in particular, has an important role as the principal ambassador of the City of London Corporation and the Business City, supporting and promoting the City generally and particularly as the world's leading international financial and business centre both at home and abroad; consulting widely within the City community on business needs.

1.3 Licensing authorities are required by the Gambling Act 2005 (‘the Act’) to publish a statement of the principles (‘Policy’) which they propose to apply when exercising their functions under the Act. This statement must be published at least every three years. The statement must also be reviewed from and any amended parts re-consulted upon. The statement must then be re-published.

1.4 The City of London Corporation consulted widely upon this statement before finalising and publishing it. A list of those persons consulted is provided below:

- Chief Officer of Police
- Ladbrokes
- William Hill

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

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

- Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

1.5 Our consultation took place from 19 February 2018 to 02 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.

2.2 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.’

2.3 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.

### **3. Declaration**

3.1 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 now fully reflect the new guidance issued in September 2015 and the Gambling Commission’s ‘Licence conditions and codes of practice’ issued in February 2015.

3.2 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

#### **4. Responsible Authorities**

4.1 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.

4.2 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.

#### **5. Interested Parties**

5.1 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).’

5.2 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

5.3 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.

5.4 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.

5.5 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.

5.6 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.

## **6. Exchange of Information**

6.1 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.

- 6.2 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.
- 6.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.

## **7. Enforcement**

- 7.1 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.
- 7.2 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.
- 7.3 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.
- 7.4 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.

- 7.5 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.
- 7.6 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.
- 7.7 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.

## **8. Licensing Authority Functions**

- 8.1 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

8.2 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**

#### **9. General Principles**

9.1 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.

9.2 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.

9.3 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.



9.4 '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 subdivisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

9.5 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.'

9.6 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.

9.7 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?

9.8 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’**

9.9 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.

9.10 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.

9.11 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.

9.12 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**

- 9.13 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**

- 9.14 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**

- 9.15 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.
- 9.16 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.'

- 9.17 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.
- 9.18 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**

- 9.19 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.
- 9.20 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.

- 9.21 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.
- 9.22 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.
- 9.23 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.
- 9.24 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**

- 9.25 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.

9.26 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.

9.27 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.

9.28 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.

9.29 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.

9.30 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**

9.31 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.

9.32 Where it is decided that supervision of entrances/machines is appropriate for particular cases, door supervisors are expected to be SIA licensed.

## **10. Adult Gaming 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 that there will be sufficient measures to, for example, ensure that people under 18 years of age do not have access to the premises.

10.2 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.

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

## **11. Licensed Family Entertainment Centres**

11.1 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.

11.2 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.



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

## **12. Casinos**

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

## **13. Bingo Premises**

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

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

- 13.2 The Guidance further states:-

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

## **14. Betting Premises**

- 14.1 Betting machines – The City Corporation will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to

monitor the use of the machines by children and young persons or by vulnerable people (it is an offence for those under 18 years of age to bet), when considering the number/nature/circumstances of betting machines an operator wants to offer.

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

## **15. Travelling Fairs**

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

## **16. Provisional Statements**

- 16.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 16.2 S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

16.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

16.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

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

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

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

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

## **17. Reviews:**

17.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the licensing authority to decide whether

the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

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

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

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

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

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

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

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

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

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

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

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

## **PART C**

### **PERMITS / TEMPORARY & OCCASIONAL USE NOTICE**

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

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

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

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

‘In its statement of policy, a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits. In particular it may want to set out the matters that it will take into account in determining the suitability of the applicant. Given that the premises is likely to appeal particularly to children and young persons, licensing authorities may wish to give weight to matters relating to protection of children from

being harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group’

18.4 The Guidance further states:

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

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

18.5 It should be noted that a licensing authority cannot attach conditions to this type of permit.

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

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

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

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;

- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

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

19.3 Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

19.4 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

19.5 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

19.6 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

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

20.1 The Gambling Act 2005 states that a licensing authority may „prepare a statement of principles that they propose to apply in exercising their functions under this Schedule“ which „may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit“.

20.2 The City of London Corporation has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming offered is within the law.

20.3 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

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

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

## **21 Club Gaming and Club Machines Permits**

21.1 Members Clubs and Miners“ welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (three



machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (three machines of categories B, C or D).

21.2 The Act states:

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

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

- the applicant does not fulfil the requirements for a members’ or commercial club or miners’ welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant’s premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or an objection has been lodged by the Commission or the Police.”

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

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

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

## **22. Temporary Use Notices**

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

## **23. Occasional Use Notices:**

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

## **PART D**

### **Local Risk Assessments/Local Area Profile**

## **24. Local Risk Assessments**

- 24.1. The Gambling Commission’s Social Responsibility Code 10.1.1 requires all premises licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this Policy.
- 24.2. Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:
- when applying for a variation of a premises licence
  - to take account of significant changes in local circumstances, including those identified in a licensing authority’s statement of policy
  - when there are significant changes at a licensee’s premises that may affect their mitigation of local risks

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

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

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

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<sup>8</sup> EPIC Risk Management

**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 10-24 years

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.

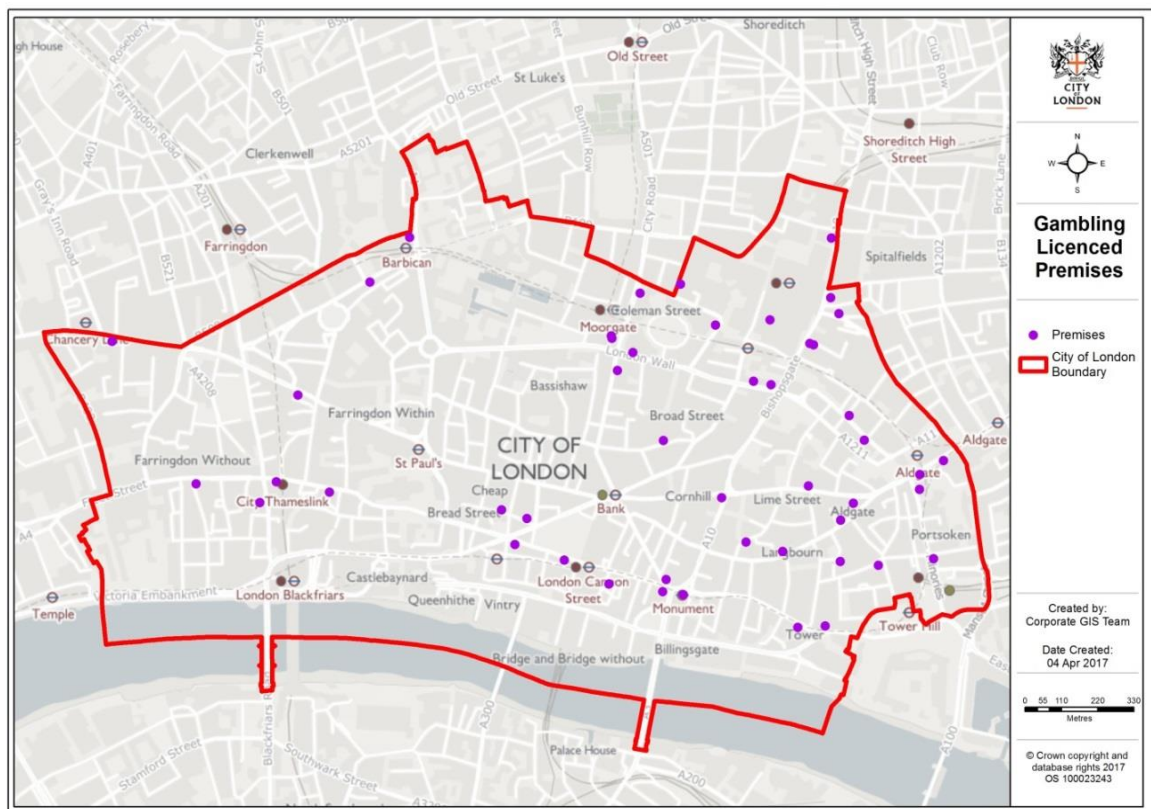
The City of London has a unique demography with a relatively low residential population but an estimated daily working population of approximately 400,000. The City is the only area in the United Kingdom in which the number of workers significantly outnumber the residents.

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.

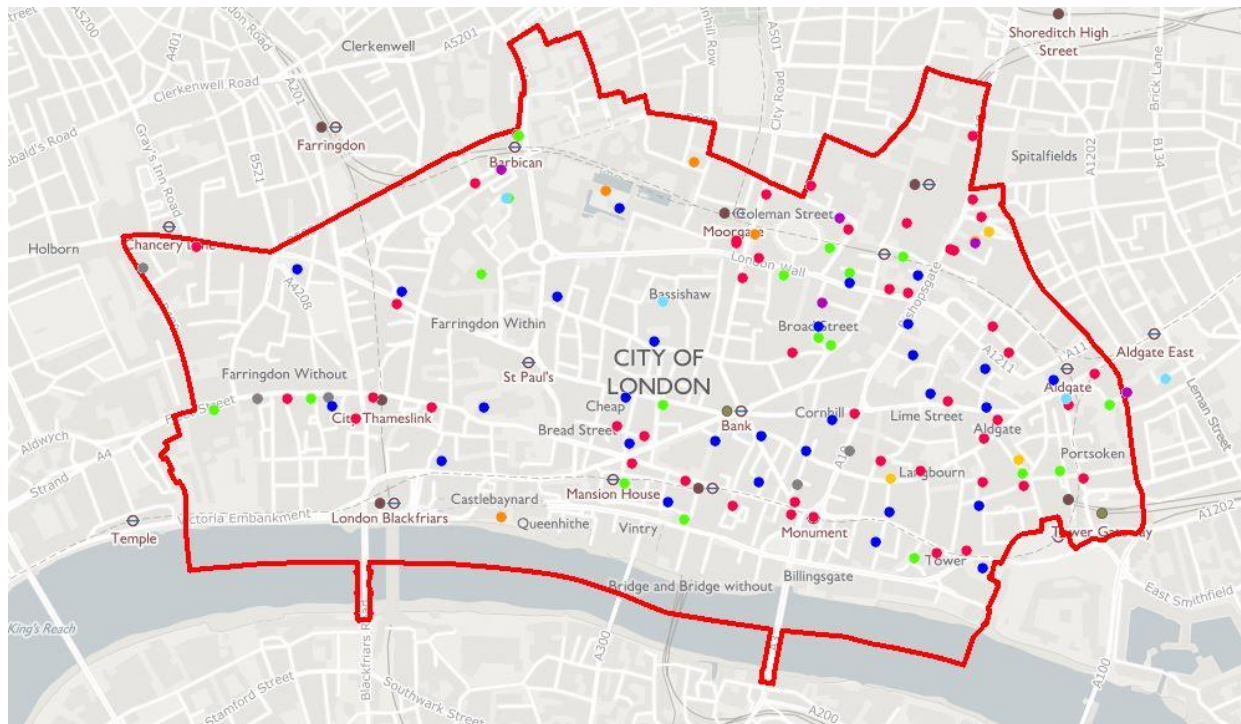
Lighter grey demonstrates emerging evidence, and the remaining characteristics are mixed/limited or no evidence.

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](#).<sup>13</sup>



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

13

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

## 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>14</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>15</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>14</sup> EPIC Risk Management

<sup>15</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)

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# **Guidance on Undertaking Local Gambling Risk Assessments**

Gambling Act 2005

January 2018

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<b>Appendix A</b>	City of London Corporation Local Gambling Risk Assessment Template
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## 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.

DRAFT

### 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:**

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**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

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<b>Committee(s)</b>	<b>Dated:</b>
Licensing Committee	07/02/2017
<b>Subject:</b> Revenue Budgets – 2018/19	<b>Public</b>
<b>Report of:</b> The Chamberlain Director of Markets and Consumer Protection	<b>For Decision</b>

## Summary

This report is the annual submission of the revenue budgets overseen by your Committee. In particular it seeks approval to the latest revenue budget for 2017/18 and provisional revenue budget for 2018/19, for subsequent submission to the Finance Committee. The budgets have been prepared within the resources allocated to the Director.

Business priorities for the forthcoming year include the application of the income generated by the Late Night Levy, and completion of a revised Gambling Policy.

<b>Table 1</b> <b>Summary Revenue Budgets</b> <b>2017/18 and 2018/19</b>	<b>Original</b> <b>Budget</b> <b>2017/18</b> <b>£'000</b>	<b>Latest</b> <b>Budget</b> <b>2017/18</b> <b>£'000</b>	<b>Original</b> <b>Budget</b> <b>2018/19</b> <b>£'000</b>
Expenditure	(625)	(651)	(671)
Income	687	707	746
Support Services and Capital Charges	(171)	(169)	(175)
<b>Total Net Expenditure</b>	<b>(109)</b>	<b>(113)</b>	<b>(100)</b>

Overall, the 2017/18 latest budget is £113,000 net expenditure, an increase of £4,000 net expenditure compared to the original budget.

Overall, the 2018/19 provisional budget is £100,000 net expenditure, a decrease of £9,000 net expenditure compared with the original budget for 2017/18.

## Recommendation(s)

Members are asked to:

- Review the latest 2017/18 revenue budget to ensure that it reflects the Committee's objectives and, if so, approve the budget for submission to the Finance Committee;
- Review the provisional 2018/19 revenue budget to ensure that it reflects the Committee's objectives and, if so, approve the budget for submission to Finance Committee; and

- Authorise the Chamberlain, in consultation with the Chairman and Deputy Chairman, to revise these budgets for changes in respect of the Late Night Levy.

## **Main Report**

### **Background**

1. The Licensing Service is responsible for ensuring that all City businesses hold the appropriate licences and registrations and comply with the rules and conditions appertaining to those licences.
2. This report sets out the latest budget for 2017/18 and the proposed revenue budget for 2018/19. The revenue budget management arrangements are to:
  - Provide a clear distinction between local risk, central risk and recharge budgets
  - Place responsibility for budgetary control on departmental Chief Officers
  - Apply a cash limit policy to Chief Officers' budgets
3. The budget has been analysed by service expenditure and compared with the original budget for the 2017/18. The budget is further analysed between:
  - Local Risk budgets – these are budgets deemed to be largely within the Chief Officer's control.
  - Support Services and Capital Charges – these cover budgets for activities provided by one service to another. The control of these costs is exercised at the point where the expenditure or income first arises as local or central risk.
4. The report also compares the current year's budget with the forecast outturn.
5. In the various tables, expenditure and adverse variances are presented in brackets. Only significant variances (generally those greater than £10,000) have been commented on.

### **Business Planning Priorities**

6. The Licensing Service will continue to ensure that the income from the Late Night Levy, whereby a separate fee is charged to licensed premises selling after midnight, is used to achieve the greatest benefit in accordance with the specified purposes.
7. The Gambling Policy is currently being reviewed, and the completion of the respective consultations and incorporation into the final versions will take place during 2018/19.

### **Latest Revenue Budget for 2017/18**

8. Overall there is an increase of £4,000 net expenditure between the Committee's original and latest budget for 2017/18. Table 2 below summarises the movements between the original and latest budgets comprising this increase.

<b>Table 2 Latest Revenue Budgets 2017/18</b>	<b>Original Budget 2017/18 £'000</b>	<b>Latest Budget 2017/18 £'000</b>	<b>Movement (Increase)/ Decrease £'000</b>	<b>Paragraph Reference</b>
<b>EXPENDITURE</b>				
Employees	(449)	(455)	(6)	
Premises Related Expenses	(45)	(45)	0	
Supplies & Services	(37)	(37)	0	
Third Party Payments	(54)	(104)	(50)	9(i), 9(ii)
Committee Contingency	(40)	(10)	30	9(i)
<b>Total Expenditure</b>	<b>(625)</b>	<b>(651)</b>	<b>(26)</b>	
<b>INCOME</b>				
Customer, Client Receipts	687	707	20	9(iii)
<b>Total Income</b>	<b>687</b>	<b>707</b>	<b>20</b>	
TOTAL LOCAL RISK (EXPENDITURE)/ INCOME	62	56	(6)	
<b>SUPPORT SERVICES AND CAPITAL CHARGES</b>				
Central Support Services and Capital Charges	(124)	(122)	2	
Recharges within Fund	(27)	(27)	0	
Recharges across Funds	(20)	(20)	0	
<b>Total Support Services and Capital Charges</b>	<b>(171)</b>	<b>(169)</b>	<b>2</b>	
<b>TOTAL NET (EXPENDITURE)/ INCOME</b>	<b>(109)</b>	<b>(113)</b>	<b>(4)</b>	

9. The movement between the original and latest budgets shown in Table 2 is primarily attributable to:
- (i) The Late Night Levy income must be spent on specified purposes, and the corresponding expenditure budget is held as a contingency until allocated; at the start of the year £38,000 of the anticipated 2017/18 Levy income remained unallocated. Subsequently, a further allocation of £30,000 was agreed and transferred from the contingency for additional power washing.
  - (ii) Additional funding of £20,000 for the element of work with Club Soda considered to be outside of the scope of the Late Night Levy.
  - (iii) Increased income from Premises licences, mainly due to changes in fee levels as a result of the new 2017 Rating List.

### **Proposed Revenue Budget for 2018/19**

10. The provisional 2018/19 budgets being presented to your Committee, and under the control of the Director of Markets and Consumer Protection, have been prepared in accordance with the guidelines agreed by the Policy & Resources and Finance Committees. These include a 2% reduction for efficiency savings. The budget has been prepared within the resources allocated to the Director.

11. Overall there is a decrease of £9,000 net expenditure between the Committee's 2017/18 and 2018/19 original budgets. Table 3 below summarises the movements comprising this decrease.

<b>Table 3 Provisional Revenue Budgets 2018/19</b>	<b>Original Budget 2017/18 £'000</b>	<b>Original Budget 2018/19 £'000</b>	<b>Movement (Increase)/ Decrease £'000</b>	<b>Paragraph Reference</b>
<b>EXPENDITURE</b>				
Employees	(449)	(500)	(51)	12(i)
Premises Related Expenses	(45)	(45)	0	
Supplies & Services	(37)	(39)	(2)	
Third Party Payments	(54)	(74)	(20)	12(ii)
Committee Contingency	(40)	(13)	27	12(ii)
<b>Total Expenditure</b>	<b>(625)</b>	<b>(671)</b>	<b>(46)</b>	
<b>INCOME</b>				
Customer, Client Receipts	687	746	59	12(iii)
<b>Total Income</b>	<b>687</b>	<b>746</b>	<b>59</b>	
TOTAL LOCAL RISK (EXPENDITURE)/ INCOME	62	75	13	
<b>SUPPORT SERVICES AND CAPITAL CHARGES</b>				
Central Support Services and Capital Charges	(124)	(129)	(5)	
Recharges within Fund	(27)	(27)	0	
Recharges across Funds	(20)	(19)	1	
Total Support Services and Capital Charges	(171)	(175)	(4)	
<b>TOTAL NET (EXPENDITURE)/ INCOME</b>	<b>(109)</b>	<b>(100)</b>	<b>9</b>	

12. The movements between budgets shown in Table 3 are primarily attributable to:

- (i) An increase of £51,000 in staffing costs mainly for an additional Assistant Licensing Officer to support a continued high level of Tables & Chairs applications and enforcement of illegal street trading, together with provision for estimated pay award and incremental progression.
- (ii) An agreed allocation of £20,000 from the Late Night Levy for analysis and mapping of licensed premises in the Night Time Economy (transferred from contingency).
- (iii) Increases in income from:
  - Tables & Chairs licences, reflecting the high volume of applications and increased associated cost which is fully recovered through fees;
  - Premises licences, mainly due to changes in fee levels as a result of the new 2017 Rating List.



13. Table 4 below provides a further analysis by licence type, illustrating the degree to which costs are anticipated to be recovered through fees. Where fees are locally set, the net cost should be zero.

<b>Table 4 Budgets by Licence Type</b>	<b>Original Budget 2017/18 £000</b>	<b>Latest Budget 2017/18 £000</b>	<b>Original Budget 2018/19 £000</b>
<b>Late Night Levy</b> <sup>1</sup>			
Expenditure	(145)	(145)	(145)
Income	145	145	145
<b>Total Late Night Levy</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Gambling Act</b>			
Expenditure	(28)	(28)	(24)
Income	28	28	24
<b>Total Gambling Act</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Tables &amp; Chairs</b>			
Expenditure	(104)	(104)	(142)
Income	104	104	142
<b>Total Tables &amp; Chairs</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Massage &amp; Special Treatment</b>			
Expenditure	(49)	(49)	(55)
Income	49	49	55
<b>Total Massage &amp; Special Treatment</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Premises, street trading and other</b> <sup>2</sup>			
Expenditure	(470)	(494)	(480)
Income	361	381	380
<b>Total Premises, street trading &amp; other</b>	<b>(109)</b>	<b>(113)</b>	<b>(100)</b>
<b>OVERALL TOTAL</b>	<b>(109)</b>	<b>(113)</b>	<b>(100)</b>

<sup>1</sup> Including administration costs

<sup>2</sup> The costs relating to premises (excluding Late Night Levy) and street trading are not separately identified at present. This category also includes any non-recoverable costs.

14. A summary of the movement in staffing numbers and associated costs are shown in Table 5 below.

<b>Table 5 – Staffing Statement</b>	<b>Original Budget 2017/18</b>		<b>Original Budget 2018/19</b>	
	Staff Full-time Equivalent	Estimated Cost £'000	Staff Full-time Equivalent	Estimated Cost £'000
Total Licensing	7.5	(449)	8.5	(500)

### Potential Further Budget Developments

15. The provisional nature of the 2018/19 revenue budget recognises that further revisions may be required, particularly in relation to:

- allocation of the unspent balance of the Late Night Levy.

## **Forecast Outturn 2017/18**

16. The forecast outturn for the current year is £134,000, an overspend of £21,000 compared to the latest budget, due mainly to temporary additional staff for enforcement of illegal street trading.
17. A detailed calculation will be carried out at the end of the year to determine whether a surplus or loss has been made on each licence application type for which the City sets its own fees. Any such surplus or shortfall must be carried forward and used to reduce or increase future fees accordingly.

## **Appendices**

- None

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<b>Committee:</b>	<b>Date:</b>
Licensing Committee	7 February 2018
<b>Subject:</b> Draft Departmental Business Plan 2018/19 - Department of Markets and Consumer Protection	<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Information</b>
<b>Report author:</b> Don Perry, Markets and Consumer Protection	

## Summary

This report presents for information the draft high-level business plan for the Department of Markets and Consumer Protection for 2018/19. It is presented alongside the departmental estimate report to enable the draft ambitions and objectives to be discussed in conjunction with the draft budget for the forthcoming year.

## Recommendation

Members are asked to note the Department of Markets and Consumer Protection draft high-level business plan for 2018/19 and provide feedback.

## Main Report

### Background

1. As part of the new framework for corporate and business planning, departments were asked to produce standardised high-level, 2-side business plans for the first time in 2017/18. These were presented as drafts to Service Committees in January/February and as final versions for formal approval in May/June. Members generally welcomed these high-level plans for being brief, concise, focussed and consistent statements of the key ambitions and objectives for every department.
2. For 2018/19, departments have again been asked to produce high-level plans in draft, this time to be presented to Service Committees alongside the departmental estimate reports, so that draft ambitions can be discussed at the same time as draft budgets. This represents a first step towards integrating budget-setting and priority-setting.
3. Discussions are also taking place on aligning other key corporate processes with the corporate and business plans, such as workforce planning and risk management. Achieving this will represent a significant step towards the City Corporation being able to optimise its use of resources. The next step will be the presentation of the budget alongside the refreshed Corporate Plan at the Court of Common Council in March.

4. With these key documents in place and a new corporate performance management process being brought forward the City Corporation will be able to drive departmental activities to deliver on corporate priorities and allocate its resources in full knowledge of where it can achieve most impact on the issues and opportunities faced by the City, London and the UK.
5. A revised draft of the Corporate Plan has been produced following consultation with Service Committees and Members between April and July, and is being used for staff engagement between September and November. Members should therefore start to see closer alignment between the departmental business plans and the draft outcomes from the Corporate Plan.
6. Work is also taking place on reviewing the content and format of the supporting detail that will sit beneath the high-level business plans. This includes: information about inputs (e.g. IT, workforce, budgets, property and assets); improved links to risk registers; value for money assessments, and schedules of measures and key performance indicators for outputs and outcomes. This will be a key element in the move towards business planning becoming less of a document production process and more of a joined-up service planning process, linked to corporate objectives.

### **Draft high-level plan**

7. This report presents at Appendix 1, the draft high-level plan for 2018/19 for the Department of Markets and Consumer Protection.

### **Department of Markets and Consumer Protection**

8. The draft high-level business plan draws together the wide range of services provided, and regulatory functions carried out, by the whole Department. As the Department reports to three separate Committees (Licensing Committee; Port Health and Environmental Services Committee; Markets Committee) for discrete aspects of its work, only the information relating to the work of the Licensing Service, for which this Committee is responsible, is shown in clear, black, font on the copy of the plan at Appendix 1.
9. The ambitions, objectives and performance measures contained within the high-level business plan are underpinned by the Department's statutory duties, core functions and its commitment to supporting corporate priorities.

### **Corporate & Strategic Implications**

10. The ambitions set out in the plan align with a number of the outcomes in the draft Corporate Plan 2018-23, particularly those within the strategic objectives to 'Grow the economy' and 'Contribute to a flourishing society'. Much of the work of the Licensing Service is focused on ensuring the safety and wellbeing of consumers, residents, workers and visitors, through enforcement and regulation.

## **Conclusion**

11. This report presents the draft high-level plan for 2018/19 for the Department of Markets and Consumer Protection in order that Members are able to feed into this plan at an early stage. A final plan will be presented for approval prior to the start of the 2018/19 financial year.

## **Appendices**

- Appendix 1 – Draft high-level business plan 2018/19

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We provide vital public services by advising and regulating a wide variety of businesses in the Square Mile and beyond to protect consumers and communities from bad practice and fraud. We also provide access to fresh produce as a vital link in the food supply chain for London and the South by operating three thriving wholesale food markets.

### Our ambitions are that:

- We will demonstrate leadership for London by delivering our Air Quality Strategy 2015-2020 and we will work with others to achieve a new Clean Air Act.
  - We will operate thriving markets, with modern infrastructure, that meet the needs of buyers, our tenants, and local communities.
- We will develop our Port Health service to be the fastest processor of imported food and feed consignments in the UK.
- We will develop and expand our Animal Health services to provide world class facilities at Heathrow Animal Reception Centre which accommodate anticipated increases in demand.
- We will set the benchmark nationally for Licensing Policy and other Schemes that promote the Licensing objectives.
  - We will meet the current and future needs of our stakeholders by protecting consumers through the enforcement of a wide range of legislation and undertaking appropriate interventions.

### What we do is:

Our **Port Health and Public Protection Division (PH&PP)** is sub-divided into three service areas:

- Public Protection provides a comprehensive and effective environmental health, trading standards and licensing service for the City of London, and at times beyond, ensuring that, through monitoring, regulation and enforcement, City residents and businesses can enjoy an environment and services which are, so far as possible, safe and without risk to their health or welfare.
- As London Port Health Authority, the Port Health Service controls imported food and feed, and infectious disease, as well as protecting the environment along 151km of the tidal Thames.
- The Animal Health & Welfare Service provides animal health services to London, including carrying out inspections of pet shops, zoos, dog breeding and riding establishments, and dealing with illegal imports of animals. The service also runs the Animal Reception Centre at Heathrow.

We operate the three City of London **wholesale food markets**:

- As landlords we manage and provide administration, maintenance, cleaning and security services to Billingsgate, New Spitalfields and Smithfield Markets.
- These markets supply fish, fruit, vegetables, flowers, and meat to a host of food service sectors within the South East and beyond.
- Customers range from catering companies, butchers, fishmongers, and greengrocers to restaurants, hotels, schools, street and retail markets, secondary wholesalers, and small local businesses.
- The wholesale markets still turnover some 30% of the fresh produce entering London and are a vital link in the food supply chain.

### Our budget for 2018/19 is:

<b>Expenditure</b>	<b>£'000</b>
PH&PP	
(excl. Licensing)	<b>8,709</b>
<b>Income</b>	
PH&PP	
(excl. Licensing)	<b>(6,428)</b>
<b>Net Local Risk Expenditure<sup>*1</sup></b>	<b>2,542</b>

<sup>\*1</sup> Excludes Local Risk amounts spent by the City Surveyor

## Our top line objectives are:

### Service deliverables

1. Evaluate the potential impact of leaving the EU on the services provided by Port Health and Public Protection and make suitable preparations.
2. Implement a Low Emission Neighbourhood in the City to improve air quality and mitigate the risk of air pollution.
3. The Licensing Team will continue to expand the Safety Thirst Award Scheme, which aims to reduce crime and anti-social behaviour.
4. The Trading Standards Team will maintain its focus on protecting City residents from financial fraud.
5. The Commercial Team will continue to seek to increase the number of compliant food businesses in the City.
6. The Pollution Team will implement the Action Plan of the Noise Strategy 2016-2026.
7. Investigate, and begin to implement, new income generation proposals for the Heathrow Animal Reception Centre (HARC).
8. Complete the delivery of Service Based Review (SBR) measures and historic repair works at Smithfield Market.
9. Continue to develop the use of technology and mobile working solutions across the department.
10. Build on the findings of the strategic review of markets and produce report for decision by Members.

### Corporate programmes and projects

- Air Quality Project: ensure that the City Corporation complies with the new statutory requirements for London Local Air Quality Management. Demonstrate leadership for London by implementing the actions set out in the Air Quality Strategy 2015-2020, including introducing a Low Emission Neighbourhood in the City.
- Corporate Apprenticeship Scheme: support the scheme by offering a range of suitable placements for candidates.
- Focus on further reductions in energy usage as part of the Energy Efficiency Programme.
- Secure City Programme: contribute to the development of the Customer Relationship Management (CRM) system as part of delivering the programme's three key initiatives to provide a safer environment for our customers and stakeholders to live and do business in.

### Departmental programmes and projects

- Procure and install a multi-lane entry barrier system and pedestrian access control at New Spitalfields Market.
- Identify and take up opportunities to increase income generation in all parts of the department and thereby achieve the corporately required 2% savings target.
- In liaison with the IT Department, continue to develop the use of technology and mobile working solutions.

### How we plan to develop our capabilities this year

- Improve working relationships with partners, Government Departments and other agencies through collaboration and sharing information and expertise.
- Refresh our Workforce Plan, including consideration of appropriate proposals for succession planning.
- Continue to develop our leadership capabilities through the departmental Leadership Development Programme.

## What we plan to do in the future:

- Identify the potential impacts and opportunities of the UK's exit from the EU and prepare appropriate strategies to address them.
- Improve air quality and manage the risk to our residents and stakeholders. Work with third parties to influence London-wide and national strategies.
- Develop extra facilities at Heathrow Animal Reception Centre to meet anticipated increases in demand and thereby increase income.
- Expand our capacity at London Gateway and Tilbury ports in order to accommodate anticipated increased demand.
- Ensure we have the necessary expertise and capability to respond to Government and legislative changes.
- Implement the findings of the market testing review for a potential Primary Authority Service Unit.

## What we'll measure:

1. Completion of mapping of all legislation that may be affected by the EU exit.
2. Levels of air pollution in the City.
3. The number and quality of applications received for the Safety Thirst Award Scheme.
4. The number of reported incidences of City residents experiencing financial fraud.
5. The change in the overall Food Hygiene Ratings Scheme (FHRS) ratings profile for City food establishments.
6. Delivery of key actions.
7. Income levels at the HARC.
8. Income levels at Smithfield Market.
9. Improvements to working practices as a result of implementing mobile working technologies.
10. Report findings of the review to Markets Committee for decision by May 2018.



<b>Committee(s)</b>	<b>Dated:</b>
Licensing Committee	<b>07 February 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> Peter Davenport - Licensing	

## Summary

This report details the premises licences, and variations to premises licences, granted under the Licensing Act 2003 by the Licensing Service from 1 October 2017 to 31 December 2017. It does not include any premises where Members have been involved in the decision making process i.e. decisions made at licensing sub-committee hearings.

The report gives a summary of the enforcement action taken under the Licensing Act 2003 between 1 October 2017 to 31 December 2017. 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 1 July 2017 to 31 December 2017.

## Recommendation(s)

Members are asked to:

Note the report

## Main Report

1. Pursuant to the instructions from your committee, I attach for your information a list detailing 'premises licence' applications (Appendix I) and variations (Appendix II) granted by the Licensing Service between 1 October 2017 to 31 December 2017. Each of these appendices contain details of any conditions attached to the premises licences.
2. The report also contains information appertaining to the number of personal licences issued. This information is also contained in Appendix II.
3. Any questions of detail concerning premises licences can be obtained from the Corporation's public register which can be found on:

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

or by contacting Peter Davenport, Licensing Manager, on extension 3227 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 1 October 2017 to 31 December 2017.
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 1 July 2017 to 31 December 2017. Three premises have a sufficient number of points to be classified as 'red' and eight premises have sufficient points to be classified as 'Amber'. Further details can be seen in Appendix IV.
10. There is a very good working relationship between the Port Health & Public Protection (PH&PP) Licensing Team, The City of London Police Licensing Team and the PH&PP Pollution Control Team, all of whom are based at Walbrook Wharf.
11. The Memorandum of Understanding (MoU) between the City of London Police and the Markets and Consumer Protection Department agreed in November 2011 outlines specific arrangements for cooperation between the Licensing Teams.

12. The other City Corporation Department that is routinely involved in enforcement is the Department of the Built Environment (DoBE). Where it appears that a material change of use has occurred, or there is a failure to comply with any condition attached to a planning permission or a breach of planning controls, when it is expedient to do so, officers from this Department seek authorisation to take the appropriate enforcement action.
13. Any complaints about licensed premises are dealt with by the relevant agency/team, e.g. crime and disorder – Police, fire safety – London Fire Brigade. As far as PH&PP are concerned, complaints relating to the conditions on a licence will be dealt with in the first instance by the Licensing Team, but if there are noise issues the Pollution Team will also be involved.
14. Investigations are undertaken and if there are grounds for a review of the licence in relation to the licensing objectives, then the responsible authorities can apply accordingly. In practice, potential applications are considered at the Licensing Liaison Partnership meetings, and agencies/authorities support one another in providing evidence and making applications.

## **Implications**

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

## **Appendices**

- Appendix 1 – New Licence Applications issued between 1 October 2017 to 31 December 2017
- Appendix 2 – Applications to vary a licence issued between 1 October 2017 to 31 December 2017
- Appendix 3 - Enforcement Action carried out between 1 October 2017 to 31 December 2017 (Including complaints received)
- Appendix 4(Non-Public) – Premises reaching red and amber on the risk scheme between 1 July 2017 and 31 December 2017.

## **Background Papers**

None

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## Appendix I

### New Licence Applications Issued by way of Delegated Authority (1 October 2017 –31 December 2017)

Name	Address	Ward	Details
Baygo	27-29 Eastcheap	Br/Br W/Out	A 19:00
ITSU	4-6 Paternoster Row	Bread Street	A 22:30
Bleecker Burger	14-16 Bloomberg Arc	Cordwainer	A 23:00
WeWork	15 Bishopsgate	Cornhill	A 22:00
53-55 Carter Lane Ltd	53-55 Carter Lane	Castle Baynard	A, (f) 23:00
Brewdog	21 Mincing Lane	Billingsgate	A, L, (f) 00:30
Aviva Plc	1 Undershaft	Lime Street	A, (f) 23:00
To A Tea	14 Farringdon Street	Farring'n W/in	A, (f) 21:00
Compass Contract Serv	71 Queen Victoria St	Vintry	A, (f) 23:00
Co-Operative	69 Leadenhall Street	Aldgate	A 23:00
Co-Operative	2 America Square	Tower	A 23:00
Casella	8 Salisbury Court	Castle Baynard	A 22:00
MF Angel GP Ltd	1 Angel Court	Broad Street	A 00:00
CGI IT UK Ltd	20 Fenchurch Street	Br/Br W/Out	A, L 00:00

Total Licences Issued = 14

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	Cordwainer	1
Billingsgate	1	Cornhill	1
Bread Street	1	Farringdon Within	1
Bridge & bridge Without	2	Lime Street	1
Broad Street	1	Tower	1
Castle Baynard	2	Vintry	1

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

### **Baygo**

None

### **ITSU**

None

### **Bleecker Burger**

None

### **WeWork**

1. The supply of alcohol shall only be to members of the WeWork group of companies or employees of member companies, or their bona fide guests.
2. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

### **53-55 Carter Lane Ltd**

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 kept available for a minimum of 31 days with date and time stamping. A staff member shall be able to show the police or the Licensing Authority recordings of the preceding two days immediately when requested.
2. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

### **Brewdog**

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. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.
3. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area for the use of customers of the premises.

### **Aviva plc**

1. The provision of licensable activities shall be restricted to: employees and officers of the organisation (s) in occupation, or their associated companies; and bona fide guests of the said employees, officers and companies.

**To A Tea**

None

**Compass Contract Services**

1. The provision of licensable activities shall be restricted to: employees and officers of the organisation (s) in occupation, or their associated companies, and bona fide guests of the said employees, officers and companies.

**Co-Operative (Leadenhall)**

None

**Co-Operative (America Square)**

None

**Casella**

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 kept available for a minimum of 31 days with date and time stamping.

**MF Angel**

None

**CGI**

1. The provision of licensable activities shall be restricted to: employees, officers, guests and persons attending bona fide private functions.

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## Appendix II

### Licence Variations Issued by way of Delegated Authority (1 Oct 17 -31 Dec 17).

Name	Address	Ward	Variation
Apex City of London Hotel	1 Seething Lane	Tower	<ul style="list-style-type: none"> <li>Change of layout on ground floor. To include spa and treatment rooms within area for licensable activities.</li> </ul>
Wework	33 Queen Street	Vintry	<ul style="list-style-type: none"> <li>Extend terminal hour for alcohol to 23:00</li> </ul>
Wework	15 Bishopsgate	Cornhill	<ul style="list-style-type: none"> <li>Extend terminal hour for alcohol to 23:00</li> </ul>
Temper	1 Angel Court	Broad Street	<ul style="list-style-type: none"> <li>Extend terminal hour for licensable activity from 01:00 to 02:00 Wed-Sat.</li> <li>Extend seating on mezzanine floor with wine shop.</li> </ul>
The Ned Hotel	27 Poultry	Walbrook	<ul style="list-style-type: none"> <li>Change of layout primarily to Basement 1 and 2.</li> </ul>

Total Number of Variations = 5

#### Number of Licences by Ward

WARD	No.
Broad Street	1
Cornhill	1
Tower	1
Vintry	1
Walbrook	1

Conditions Applied to Licences Granted by way of Delegated Authority

**Apex**

None

**WeWork (Queen Street)**

None

**WeWork (Bishopsgate)**

None

**Temper**

None

**Ned**

None

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

1 October 2017 – 31 December 2017                      2

### Enforcement Action Carried out Under the Licensing Act 2003 1 October 2017 – 31 December 2017

Total Number of Inspections	45
Number of Warning Letters	4
Number of Premises advised	19
Number of simple cautions	0
Number of suspension notices	20
Licence lapsed*	0
'Dead' Suspensions**	5
'Live' Suspensions***	15
Under determination	0

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

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

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

### Number of Complaints received between 1 October 2017 and 31 December 2017

#### 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: 24

Reason for Complaint	Time	Date	Status	Ward
<b>Anokha, 2 Creechurch Lane, London, EC3A 5AY</b>				
Music outbreak.	23:40	06/12/2017	Case still in progress	Aldgate
<b>Cellar Gascon, 59 West Smithfield, London, EC1A 9DS</b>				
Vibrations from premises	18:58	24/10/2017	Resolved informally	Farringdon W/in
<b>Chilango, Retail Unit, 142 Fleet Street, London, EC4A 2BP</b>				
Loud hammering and banging coming.	21:43	11/10/2017	Ceased not likely to	Castle Baynard
<b>Club Gascon, 57 West Smithfield, London, EC1A 9DS</b>				
Vibrations from premises.	21:30	18/10/2017	Case still in progress	Farringdon W/in
<b>DoubleTree by Hilton, 7 Pepys Street, London, EC3N 4AF</b>				
Noisy delivery.	10:20	03/12/2017	Resolved informally	Tower
<b>Merchant House of Fleet Street, 8 Bride Court, London, EC4Y 8DU</b>				
Music outbreak	22:27	02/10/2017	No action possible	Castle Baynard
<b>New St Grill, 16A New Street, London, EC2M 4TR</b>				
Music from DJ performing.	20:20	30/11/2017	Resolved informally	Bishopsgate
Music outbreak.	22:40	30/11/2017	Resolved informally	Bishopsgate
<b>Planet Of The Grapes, 9-10 Bulls Head Passage, London, EC3V 1LU</b>				
Disturbed by the bottle collections	09:52	11/10/2017	Resolved informally	Langbourn
Noisy bottle collections from bar	16:30	23/11/2017	Resolved informally	Langbourn
<b>Revolution, Retail Unit, 1 America Square, London, EC3N 2LS</b>				
Patron noise outside and music outbreak	15:25	03/10/2017	Resolved informally	Tower
Traffic noise	15:52	20/11/2017	Resolved informally	Tower
<b>Roma, 14 New London Street, London, EC3R 7NA</b>				
Noise from crowd dispersal.	03:40	05/11/2017	Resolved informally	Tower
<b>Simmons Bar, 20 Widegate Street, London</b>				
People noise outbreak.	11:47	01/12/2017	Case still in progress	Bishopsgate
People and music noise outbreak.	22:20	06/10/2017	Case still in progress	Bishopsgate
Loud music outbreak.	22:22	07/10/2017	Case still in progress	Bishopsgate
Loud music outbreak.	22:42	13/10/2017	Case still in progress	Bishopsgate
<b>The Draft House, Retail Unit, 1 Plough Place, London, EC4A 1DE</b>				
Music outbreak.	23:45	03/12/2017	Resolved informally	Castle Baynard
<b>The George &amp; Vulture, The George And Vulture, 2-3 Castle Court, London, EC3V 9DL</b>				
Noisy delivery.	14:07	22/11/2017	Resolved informally	Langbourn
<b>The Refinery, City Point, 1 Ropemaker Street, London, EC2Y 9AW</b>				
Loud, live music	21:57	19/12/2017	Resolved informally	Coleman Street
<b>The Shakespeare, The Shakespeare Public House, 2 Goswell Road, London, EC1M 7AA</b>				
Music outbreak although no noise witnessed.	01:43	04/11/2017	No action possible	Cripplegate
Noise from private party.	03:50	19/11/2017	Resolved informally	Cripplegate
<b>Worshipful Co. of Stationers, Livery Hall, Stationers Hall, Stationers Hall Court, London, EC4M 7DD</b>				
Noise from a private party.	14:00	11/12/2017	Resolved informally	Farringdon W/in
<b>Worshipful Company of Haberdashers, Livery Hall, Haberdashers Hall, 18 West Smithfield, London, EC1A 9HQ</b>				
Noise from a private party.	22:45	14/12/2017	Resolved informally	Farringdon W/out

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of the Local Government Act 1972.

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