



## Licensing Committee

**Date:** THURSDAY, 31 OCTOBER 2024

**Time:** 1.45 pm

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

**Members:**

James Tumbridge (Chairman)	Deputy Marianne Fredericks
Deputy John Fletcher (Deputy Chairman)	Michael Hudson
Joanna Tufuo Abeyie	Graham Packham
Brendan Barns	Jason Pritchard
Deputy Peter Dunphy	David Sales
Mary Durcan	Deputy Ceri Wilkins
Sophie Anne Fernandes	Luis Felipe Tilleria
Anthony David Fitzpatrick	

**Enquiries:** Raquel Pinto  
Raquel.Pinto@cityoflondon.gov.uk

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**Ian Thomas CBE**  
Town Clerk and Chief Executive

# AGENDA

1. **APOLOGIES**
2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**
3. **PUBLIC MINUTES**  
To agree the public minutes of the meeting held on 16 July 2024.  

**For Decision**  
(Pages 5 - 10)
4. **ANNUAL REVIEW OF TERMS OF REFERENCE**  
Report of the Town Clerk.  

**For Decision**  
(Pages 11 - 14)
5. **APPEALS AGAINST LICENSING (HEARING) SUB COMMITTEE DECISIONS**  
The Comptroller and City Solicitor to be heard.  

**For Information**
6. **GAMBLING ACT 2005 - REVIEW OF STATEMENT OF LICENSING PRINCIPLES**  
Report of the Executive Director Environment.  

**For Decision**  
(Pages 15 - 156)
7. **ALFRESCO DINING POLICY 2024**  
Report of the Port Health and Public Protection Director.  

**For Information**  
(Pages 157 - 244)
8. **DELEGATED DECISIONS OF THE EXECUTIVE DIRECTOR ENVIRONMENT PERTAINING TO PREMISES LICENCES**  
Report of the Executive Director, Environment Department.  

**For Information**  
(Pages 245 - 262)
9. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
10. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

11. **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.
  
12. **NON-PUBLIC MINUTES**  
To agree the non-public minutes of the meeting held on 16 July 2024.  

**For Decision**  
(Pages 263 - 266)
  
13. **CITY OF LONDON POLICE QUARTERLY UPDATE QUARTER 3**  
Report of the Commissioner of Police.  

**For Information**  
(Pages 267 - 276)
  
14. **APPENDIX 4: DELEGATED DECISIONS OF THE EXECUTIVE DIRECTOR ENVIRONMENT PERTAINING TO PREMISES LICENCES**  
*To be read in conjunction with item 8.*  

**For Information**  
(Pages 277 - 286)
  
15. **NON PUBLIC QUESTIONS RELATING TO THE WORK OF THE COMMITTEE**
  
16. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREE SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

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## LICENSING COMMITTEE

Tuesday, 16 July 2024

Minutes of the meeting of the Licensing Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Tuesday, 16 July 2024 at 1.45 pm

### Present

#### Members:

James Tumbridge (Chairman)	Deputy Marianne Fredericks
Deputy John Fletcher (Deputy Chairman)	Graham Packham
Brendan Barns	David Sales
Deputy Peter Dunphy	Deputy Ceri Wilkins
Mary Durcan	Joanna Tufuo Abeyie
Anthony David Fitzpatrick	

#### Officers:

Andrew Buckingham	- Town Clerk's Department
Aggie Minas	- Environment Department
Jenny Pitcairn	- Chamberlain's Department
Rachel Pye	- Environment Department
Gavin Stedman	- Environment Department
Raquel Pinto	- Town Clerk's Department
Nikki Gander	- City of London Police
Paul Holmes	- City of London Police
Emma Anckorn	- City of London Police

#### 1. APOLOGIES

Apologies were received Sophie Fernandes, Michael Hudson and Jason Pritchard.

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

There were no declarations.

#### 3. PUBLIC MINUTES

RESOLVED, That – the public minutes and non-public summary of the meeting held on 13 June 2024, be approved as correct record.

#### 4. MINUTES OF LICENSING (HEARING) SUB-COMMITTEES

The Committee received the minutes from the Licensing (Hearing) Sub-Committee in respect of the premises Tokyo Hit, Ground Floor & Basement, 165 Fleet Street, EC4A 2AE, on the 10th of April 2024.

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

The Comptroller & City Solicitor provided an update from the previous committee in relation to one appeal logged in relation to the Sub-Committee decision regarding the hearing on the premise license for Tokyo Hit, Ground

Floor & Basement, 165 Fleet Street, EC4A 2AE, held on the 10th of April 2024. A summons from the Court had yet to be received, therefore the Comptroller and City Solicitor would contact the Court for an update and keep the Committee apprised.

The Chairman emphasised the importance of obtaining information as to the status of this, as there was a clear deadline for the submission of an appeal, which would have since lapsed. It was unclear whether a complaint or appeal had been lodged and accepted by the Court, and therefore Officers were given a steer to make further enquiries and report back to the Committee.

RECEIVED

6. **LICENSING SERVICE BUSINESS PLAN 2023/24: PROGRESS REPORT**

The Committee received a report of the Port Health and Public Protection Director, Environment Department, with a summary of the progress made by the Licensing Team in the delivery of its priority objectives during 2023/24.

In response to a question about the 'Al Fresco' policy, the Committee noted that the pavement licensing regime was now permanent and that a decision report would go to the Planning and Transportation Committee on July 23. The Government was consulting on unifying the pavement and alcohol licensing regimes due to overlapping jurisdictions. The Committee also noted the lack of a statutory right of appeal under the Business and Planning Act 2020, with government guidance suggesting local authorities create an internal review process. At the proposal of the Chairman, a report was commissioned to the Planning and Transportation Committee to explore creating a sub-committee with members from both the Planning and Licensing Committees to handle appeals.

The Chairman assured the Committee that the proposal was in its exploration phase and would undergo formal approval, with a paper to be presented to the Committee soon. The proposal aimed to address challenges in coordinating the Planning and Transportation Committee and the Licensing Committee. Discussions among officers and the Chairmen of the Policy and Resources, Planning and Transportation, and Licensing Committees led to commissioning a paper to establish a Sub-Committee with Members from both committees to handle relevant inter-linked issues and appeals.

RESOLVED – That the report be noted.

7. **CITY OF LONDON MAPPING: LICENSING INTERACTIVE MAP**

The Committee received a report of the Port Health and Public Protection Director, Environment Department, which detailed the outcome of the project work carried out collaboratively by the City of London Licensing and Corporate GIS Teams to investigate whether there may be potential to map streets, spaces or areas of the City that could be suitable for markets, activations, alternative licensing hours or prospective hospitality premises as an interface for City of London stakeholders including residents, members, officers and potential investors.

The Chairman asked for the link to be circulated so that Members could view the information that had been gathered.

Following the scoping of the mapping exercise in February, the licensing interactive map was now live and available for use. Officers offered one-on-one guided sessions to Members if these would be of use. The project had produced a digital platform hosting layers of useful data, which mostly existed previously but had now been consolidated in one place to provide insights into the City of London's licensing landscape.

The Committee noted that the map was beneficial for various stakeholders, including prospective businesses, residents looking at applications, and officers. There were additional layers still under examination for future inclusion as outlined in paragraph 11 of the report.

This initiative was intended to complement the existing regime, including pre-application advice, access to officers, and local knowledge. Work to promote this would soon be underway. The team would be working with the media team for dissemination to stakeholders, potentially through a press release, communication with trade bodies, and focused communication via existing email networks and face-to-face contacts with the licensed trade.

A Member encouraged the Committee to use this tool as it provided useful information like terminal hours for licensed premises. The Member found that the symbols for licensed premises were difficult to see on the map despite suppressing layers and asked that this symbol be made more prominent. Members also asked for the following to be included, locations of public toilets and ranks, accessible entrances to assist those with accessibility requirements, that restaurants and bars were shown separately to encourage visitors and families in the city, and that venues with late operating hours from 11pm onwards were also shown separately.

The Committee noted that this map sat in the city maps page, and that information regarding licensed premises could be found in a drop-down menu. The aim was to get this map up and running, however this remained a work in progress and officers would look to up-keep and maintain the information on this.

The Chairman added that before considering adding more layers, that a conversation was had to look into what can be made available and that this can be brought back to Committee for a further discussion. The aim was to get this tool up and running, and once the concept was proved and the map was reliable, the team can continue to explore and see what can be made available.

RESOLVED – That the report be noted.

8. **REVENUE OUTTURN 2023-2024**

The Committee received a joint report of the Chamberlain and the Port Health & Public Protection Director which compared the revenue outturn for the

services overseen by the Licensing Committee in 2023/24 with the final budget for the year.

In response to a question regarding funds from City Bridge, the Committee noted that this was correct with the team having entered into a Section 101 agreement which extended their enforcement district into parts of Southwark and Tower Hamlets. This expansion meant they now covered Tower Bridge, Millennium Bridge, Southside, and City Bridge Foundation funds. Two licensing officers were assigned to undertake enforcement work every day of the year. Their primary function was to combat illegal street trading. Additionally, these officers served as capable guardians, trained in suicide prevention, and handling pickpockets and other undesirable activities on the bridges.

RESOLVED – That the report be noted.

**9. DELEGATED DECISIONS OF THE EXECUTIVE DIRECTOR ENVIRONMENT PERTAINING TO PREMISES LICENCES**

The Committee received a report of the Executive Director (Interim) Environment, the premises licences, and variations to premises licences, granted under the Licensing Act 2003 and administered by the Licensing Service from 1 April 2024 to 30 June 2024.

The Chairman explained that he had asked Officers to look carefully into future reports of this nature. Specifically, regarding Appendix 3, which contained various numbers about inspections and warning letters. The Chairman reminded Members that the organisation managed 1,000 venues in a relatively small area, significantly more than many other local authorities. It was also explained that as the City of London Corporation paid closer attention to their venues, in comparison to other local authorities, this contributed to a better-managed area and system. Therefore, Officers were asked to contextualise the numbers in future reports. It was also noted that a high or low number was not automatically indicative of a negative or positive situation. Given the number of premises monitored and the regular inspections conducted, this was to be read as a positive outcome.

In response to a question regarding application fees, the committee noted the fee was set in statute. This application fee was the same across the board and when premises requested a time limited license, these expired at the end date and therefore premise were not invoiced for a renewal fee.

A Member queried what the outcome was regarding Proud City following a complaint about a fight. It was noted that this issue originally came as a noise complaint. City of London Police had since engaged and dealt with the issue, which resulted in no further action. The Chairman added that officers were asked to look at the classification of the complaints to make these more obvious to members in future reports. Another Member added that although it was pleasing to see that the time in which complaints had been logged, were now incorporated into the report, no other complaint had outcomes, which provided Members with useful context. It was therefore asked that this was



added to future reports. The Police also added that with regards to the disturbance at Proud City, this resulted in an arrest.

In response to a query regarding complainants receiving a response, it was noted that the complainant received a report in 15 minutes if this was logged in the night, a visit within 45 minutes and the following day, an environmental health officer follows up on any enforcement action or investigation that's required and then feeds back fully the outcome to the to the complainant.

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 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.

**13. CITY OF LONDON POLICE QUARTERLY UPDATE QUARTER 2**

The Committee received a report of the Commissioner of Police containing data from Quarter 2024, relating to the nighttime economy, offences recorded by police, and police operations.

**14. APPENDIX 4: DELEGATED DECISIONS OF THE EXECUTIVE DIRECTOR ENVIRONMENT PERTAINING TO PREMISES LICENCES**

The Committee received a non-public appendix relating to item 9 on the Delegated decisions of the Executive Director Environment pertaining to premises licences.

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

One question on drink spiking was asked.

**16. 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 of urgent business.

**The meeting ended at 2.45 pm**

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Chairman

**Contact Officer: Raquel Pinto**  
**Raquel.Pinto@cityoflondon.gov.uk**

# Agenda Item 4

<b>Committee(s):</b> Licensing Committee	<b>Dated:</b> 31/10/2024
<b>Subject:</b> Annual Review of the Committee's Terms of Reference	For Decision
<b>This proposal:</b> <ul style="list-style-type: none"><li>• <b>delivers Corporate Plan 2024-29 outcomes</b></li><li>• <b>provides statutory duties</b></li><li>• <b>provides business enabling functions</b></li></ul>	Providing Excellent Services
<b>Does this proposal require extra revenue and/or capital spending?</b>	No
<b>If so, how much?</b>	N/A
<b>What is the source of Funding?</b>	N/A
<b>Has this Funding Source been agreed with the Chamberlain's Department?</b>	N/A
<b>Report of:</b>	Town Clerk
<b>Report author:</b>	Raquel Pinto, Governance Officer

## Summary

As part of the post-implementation review of the changes made to the City Corporation's governance arrangements in 2011, it was agreed that all Committees/Boards should review their terms of reference annually. This is to enable any proposed changes to be considered in time for the annual reappointment of Committees by the Court of Common Council.

The terms of reference of the Licensing Committee are attached as an appendix to this report for Members' consideration.

## Recommendations

It is recommended that:

- the terms of reference of the Licensing Committee, subject to any comments, be approved for submission to the Court of Common Council in April, and that any further changes required in the lead up to the Court's appointment of Committees be delegated to the Town Clerk in consultation with the Chairman and Deputy Chairman;

- Members consider whether any change is required to the frequency of the Committee's meetings.

## **Appendices**

- Appendix 1 – Terms of Reference

### **Raquel Pinto**

Governance Officer

E: [raquel.pinto@cityoflondoncorporation.gov.uk](mailto:raquel.pinto@cityoflondoncorporation.gov.uk)

MAINELLI, Mayor	<b>RESOLVED:</b> That the Court of Common Council holden in the Guildhall of the City of London on Thursday 25 <sup>th</sup> April 2024, doth hereby appoint the following Committee until the first meeting of the Court in April, 2025
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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 2024/25**
  - 14 (4) Peter Gerard Dunphy, Deputy
  - 8 (4) Mary Durcan
  - 4 (4) Jason Paul Pritchard
  - 3 (3) Ceri Edith Wilkins, *for three years*
  - 3 (3) James St John Davis
  - 3 (3) Brendan Barns
  - 12 (3) Graham David Packham
  - 3 (2) David James Sales, *for three years*
  - 14 (2) Sophie Anne Fernandes
  - 11 (2) Michael Hudson
  - 6 (2) John William Fletcher, Deputy
  - 14 (2) James Richard Tumbridge
  - 3 (1) Anthony Fitzpatrick
  - 16 (1) Marianne Bernadette Fredericks, Deputy
  - 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 Executive Director Environment (acting jointly with the Planning & Transportation Committee, Port Health and Environmental Services Committee, and the Natural Environment Board);
  - (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.
  - (d) charity collections, under the Police, Factories and Miscellaneous Provisions Act 1916 (or any subsequent re-enactment).

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## City of London Corporation Committee Report

<b>Committee(s):</b> Licensing	<b>Dated:</b> 31 October 2024
<b>Subject:</b> Gambling Act 2005 Review of Statement of Licensing Principles	<b>Public report:</b> For Decision
<b>This proposal:</b> <ul style="list-style-type: none"> <li>• delivers Corporate Plan 2024-29 outcomes</li> <li>• provides statutory duties</li> <li>• provides business enabling functions</li> </ul>	<ul style="list-style-type: none"> <li>• Corporate plan outcomes: 1, 2, 4 &amp; 5.</li> <li>• Statutory duties under the Gambling Act 2005 Section 2</li> <li>• Business enabling functions for Licensed Gambling Operators.</li> </ul>
<b>Does this proposal require extra revenue and/or capital spending?</b>	No
<b>If so, how much?</b>	N/a
<b>What is the source of Funding?</b>	N/a
<b>Has this Funding Source been agreed with the Chamberlain’s Department?</b>	N/a
<b>Report of:</b>	Gavin Stedman Port Health & Public Protection Director
<b>Report author:</b>	Joe Mannix Licensing Policy Officer

### Summary

The Gambling Act 2005 (hereafter referred to as “the Act”) requires all licensing authorities to produce and publish a Statement of Licensing Principles (hereafter referred to as “the 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 licensing authorities review, consult on and publish their Policy at least every three years. A revised Policy is due for renewal in 2025.

The Gambling Commission is due to publish new guidance to local authorities next year; to support the changes that they have begun to implement to their operator licence conditions and codes of practice. When this guidance is published, the Licensing Service's intention is to undertake a full review and redevelopment of the Policy; in line with the forthcoming requirements and best practice measures.

It is important to note that Local Authorities have a limited function in the licensing framework for gambling, and that is to issue the premises licence at which land-based gambling will take place. To operate a land-based gambling premises, it is a pre-requisite that the licensee must obtain an operator licence from the Gambling Commission. Operator licences have a substantial number of licence conditions and codes of practice that regulate the way the premises engages in the provision of gambling with their customers, and there is a requirement that operators undertake regular risk assessments of the local area, to ensure the promotion of the licensing objectives. Online gambling is regulated by the Gambling Commission.

The updated Policy (Appendix 1) and the two documents 'Local Area Profile' (Appendix 2) and the 'Guidance on Undertaking Risk Assessments' (Appendix 3) formed the basis of the proposal which went out to consultation. A consultation analysis (Appendix 4) and Equality Impact Assessment (Appendix 5) were also undertaken for information. A Summary of Changes document has been prepared to assist members in reviewing the changes to the Statement of Licensing Principles (Appendix 6).

A consultation was carried out on the Policy, as prescribed by Section 349 of the Act.

## **Recommendation**

Members are asked to:

- Approve the Statement of Licensing Principles, The Local Area Profile and the Guidance on Undertaking Local Gambling Risk Assessments for onward adoption by the Court of Common Council.

## **Main Report**

### **Background**

1. Section 349 of the Gambling Act 2005 (the 'Act') requires licensing authorities to prepare, consult on and publish a statement of licensing principles (the 'policy') that they will apply in exercising their functions under the Act. The Act further prescribes that the policy shall remain valid for a period of three years, after which it must be reviewed and re-published. The policy may be reviewed at any point within the three year period.



2. The current policy is due for renewal in 2025 and it is therefore necessary for the Corporation to prepare the publication of its policy to run for a further three years.
3. In order to comply with the statutory process under Section 349 of the Act, the City Corporation must consult with the following:
  - a) The Chief Officer of Police for the City of London
  - b) One or more persons representing the interests of persons carrying on gambling businesses within the City of London
  - c) One or more persons representing the interests of persons who may be affected by the City Corporation exercising its functions under the Act
4. The Gambling Commission has produced a ‘Guidance to Licensing Authorities – last updated 11 April 2023 (the ‘Guidance’) and a document entitled ‘Licence Conditions and Codes of Practice’ – last updated 30 August 2024 (LCCP).
5. 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.
6. The 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.
7. The City’s current policy was written to incorporate identified risks to social cohesion and considered the local area profile of socio-economic factors within the Local Area Risk Assessment. The policy itself was largely based on a template drafted by the Local Government Association, with additions to specifically suit the City of London, and amended to reflect Government changes to published guidance.
8. By using these templates, the City Corporation ensured that the statutory requirements and inclusions recommended by the Guidance were adhered to.
9. The Gambling industry as controlled by the Gambling Act 2005 has a small impact on the City of London. The City of London is not permitted to have a casino and has no Adult Gaming Centres.
10. Premises licensed within the City are currently as follows:
 

• Betting Shops	11
• Gaming Machine Permits (2 or less)	68
• Gaming Machine Permits (3 or more)	12
• Bingo Establishments	1

## Current Position

1. In 2022 the Licensing Service undertook an in-depth local area profile to take account of such of socio-economic factors, 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
2. The above documents can be seen at Appendix 2 and Appendix 3 respectively. The new policy is almost identical to the previous policy, with minor changes to reflect the updated Gambling Commission’s code of practice and to improve the general accessibility of the document, which can be seen at Appendix 1. A summary of changes document has been produced to assist members in reviewing the changes to the Policy, and can be seen at Appendix 6.
3. The Gambling Commission are due to update their Guidance to Local Authorities in 2025; and until this is published a full review would be superfluous to requirements at this point in time. When the new Guidance is published, the Licensing Service will undertake a in depth review of the Statement of Licensing Principles and it’s appendices to ensure that we continue to promote the Licensing Objectives in the City and comply with the legal requirements set out in the act, and the forthcoming statutory guidance.
4. The Gambling 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 people from being harmed or exploited by gambling.
11. The draft documents at Appendices 1, 2 and 3 form the basis of the consultation held on our commonplace portal. The consultation question sets are specified in Appendix 2. It is brought to Committee for any amendments considered necessary at this stage.
12. A consultation response analysis has been performed and is attached at Appendix 4. An Equality Impact Assessment was carried out and is attached at Appendix 5.
13. The consultation period ran from Tuesday 17<sup>th</sup> September 2024 to Tuesday 15<sup>th</sup> October 2024.

14. The following persons were invited to make comment on the consultation, representing the interests of persons carrying on businesses in the City of London as required by Section 349(3)(b):
  - William Hill
  - Coral
  - Ladbrokes
  - Betfred
15. The following persons were directly consulted, representing the interests of persons who may be affected by the City exercising its functions under the Act as required by Section 349(3)(c):
  - Members of the Licensing Committee
  - Executive Director of Community and Children’s Services
  - Gamble Aware
  - Gamcare
  - Gambling Commission
  - Betting and Gaming Council
  - Bingo Association
  - National Association of Bookmakers
  - City of London Residents’ Associations
  - Members of the LLP
  - Other responsible authorities
16. The remaining statutory consultee, the Chief Officer of Police for the City of London, was also consulted as required by Section 349(3)(a).
17. The consultation was conducted using the Common Place platform which provides additional reach to interested persons.
18. The final report, agreed by this Committee, will be formally adopted by the Court of Common Council in January 2025. This is a mandatory process to comply with statutory requirements.

## **Options**

1. To endorse the proposed Statement of Licensing Principles and its appendices, to be adopted by the Court of Common Council; to ensure that City Corporation meets its statutory obligations and that the Policy continues to have effect with regard to the issuance of Licences within the square mile.
2. Not to endorse the proposed Statement of Licensing Principles and its appendices, and recommend further work be undertaken to develop the Policy.

## **Proposals**

1. Due to the pre-election period beginning 18<sup>th</sup> February 2025, and the schedule for Licensing Committee meetings, should the proposed Statement of Licensing Principles not be endorsed there would be a gap of almost 6 months before the

next opportunity for adoption.

2. Consequently, there would be no Statement of Licensing Principles in force for a substantial period of the new calendar year; reducing control measures on gambling premises locations.
3. To avoid this, the policy must be endorsed at the committee meeting of the 31 October 2024 for the Policy to be heard and adopted by the Court of Common Council in December 2024; allowing a live policy to be in place for the new calendar year.

## **Corporate & Strategic Implications**

### **Strategic implications**

The proposal contained within this report allows the licensing service to deliver on the statutory requirement of publishing of a new gambling policy; a key aim of the service's business plan.

The proposal supports the corporate plan by implementing a policy that aims to support the objective of diverse and engaged communities by ensuring that community cohesion is increased by ensuring gambling premises remain in suitable areas within the square mile.

The proposal also supports the corporate plan by allowing appropriately located gambling premises to conduct trade within the city, supporting economic growth through the gambling industry within the square mile.

The proposal further supports the corporate plan by supporting the safe provision of gambling premises for use by visitors, workers and residents in the square mile, ensuring a vibrant thriving destination with leisure facilities available to all those that wish to use them.

The proposal also supports the corporate plan by providing excellent services to the residents, workers and visitors of the city by ensuring that the trade is properly regulated; and fulfilling our statutory obligations.

### **Financial implications**

None.

### **Resource implications**

None.

### **Legal implications**

The proposal mitigates legal implications by ensuring we comply with the requirements of legislation.

### **Risk implications**

None.

### **Equalities implications**

The proposal ensures that we carry our public sector equality duties, by ensuring that gambling premises are not licensed in close proximity to any gambling sensitive establishments (such as religious establishments, or problem gaming support groups).

### **Climate implications**

None.

## **Security implications**

None.

## **Conclusion**

1. It is recommended that the Committee approve the Statement of Licensing Policy and its appendices for adoption by Common Council; to allow the City to meet its statutory obligations and uphold the gambling licensing objectives.
2. The service intends to redevelop the policy when the Gambling Commission publishes its new Guidance to Licensing Authorities.

## **Appendices**

- Appendix 1 – Statement of Licensing Principles 2025
- Appendix 2 – The Gambling Local Area Profile
- Appendix 3 – Guidance on Undertaking Local Gambling Risk Assessments
- Appendix 4 – Consultation Response Analysis
- Appendix 5 – Equality Impact Assessment
- Appendix 6 – Summary of Changes

## **Background Papers**

- Gambling Commission Guidance to Licensing Authorities – May 2021
- Gambling Commission Licence Conditions and Codes of Practice – August 2024
- HM Government Code of Practice on Consultation - March 2018

## **Joe Mannix**

Licensing Policy Officer  
Environmental Department

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# STATEMENT OF LICENSING PRINCIPLES

GAMBLING ACT 2005

January 2025

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# PART A

## GENERAL

### 1. Introduction

- 1.1 The City of London Corporation provides local government services for the financial and commercial heart of Britain, the “Square Mile”. It is committed to maintaining and enhancing the status of the 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 the 615,000 people who come to work in the “Square Mile” every week . 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 as the world's leading international financial and business centre both home and abroad; The Mayor’s Office consults the City community on all 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 time to time, be revised when necessary, and published before taking effect.
- 1.4 The City of London Corporation consulted widely upon this statement before finalising and publishing it, as required by Section 349 of the Act. A list of those consulted with is provided below:
- Chief Officer of Police
  - Gambling Commission
  - Representatives of the Trade:
    - Ladbrokes
    - William Hill
    - Coral
  - Gamcare
  - GambleAware

- Betting and Gaming Council
- Gambling Business Group
- National Association of Bookmakers
- Bingo Association
- City Residents Associations
- Director of Community and Children's Services
- Members of the Licensing Committee
- Members of the Licensing Liaison Panel
  - Highways
  - Environmental Health
  - Planning
  - Community Safety
  - Immigration Services
  - Street Enforcement
  - Public Health
  - Trading Standards
  - London Fire Brigade
- 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.

This statement of principles was consulted on from 17<sup>th</sup> September 2024 to 15<sup>th</sup> October 2024.

- 1.5 The policy was approved at a meeting of the Court of Common Council on [date to be confirmed] and is published via our website. Hard copies are available on request.
- 1.6 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 Act.

## 2. The Licensing Objectives

- 2.1 In exercising most of their functions under the Act, licensing authorities must have regard to the licensing objectives as set out in section 1. 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 The Corporation has a duty to pursue these objectives, and we expect gambling businesses to act in accordance with them. There is no restriction on the number of gambling premises in the city, and we will aim to permit the use of premises for gambling, providing we believe the use 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 under section 25 of the act.
  - reasonably consistent with the licensing objectives and
  - in accordance with the [licensing] authority's Statement of Licensing Principles.
- 2.3 Our aim to permit provides the Corporation wide remit to impose conditions on a premises licence, reject, review or revoke a premises licence where there is conflict with the objectives, code of practice, guidance or our 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 is consistent with the Gambling Commission's current guidance and code of practice. The statement will likely need to be review following the publication of of the Gambling Commission's guidance due 2025.
- 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 Executive 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 Section 158 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 licensing authority 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 set out by legislation 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 for Business and Trade 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 the licensing authority will not be involved in licensing remote gambling at all. This falls 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 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 sub-divisions 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 latest edition of its Guidance to Licensing Authorities (issued May 2021) 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.

## **Location**

- 9.13 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**

- 9.14 The Gambling Commission's 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.

- 9.15 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.'
- 9.16 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.
- 9.17 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**

- 9.18 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.
- 9.19 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 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 has been 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.

- 9.20 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.
- 9.21 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.
- 9.22 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.
- 9.23 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**

- 9.24 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.

9.25 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.

9.26 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.

9.27 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.

9.28 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.

9.29 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**

9.30 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.

9.31 Where it is decided that supervision of entrances/machines is appropriate for particular cases, door supervisors must be SIA licensed.

## 10. Adult Gaming Centres

10.1 The City of London 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 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 of London 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 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 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) (now amalgamated in the Licence Conditions and Codes of Practice (LCCP) published October 2020) states that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent underage gambling.

## 14. Betting Premises

14.1 Betting machines – The City Corporation will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable people (it is an offence for those under 18 years of age to bet), when considering the nature and circumstances of betting machines an operator wants to offer.

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

such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.

## 15. Travelling Fairs

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

## 16. Provisional Statements

- 16.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 16.2 Section 204 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 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

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<sup>1</sup> Guidance on Undertaking Gambling Risk Assessments – January 2025

<sup>2</sup> Gambling Local Area Profile – January 2025

assessments.

25.2 The City Corporation will expect local risk assessments to contain control measures that seek to mitigate those risks identified in the Local Area Profile.

#### Contact

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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

January 2025

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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.

## 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.

## Our Approach

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

Children now regularly see gambling advertising and the number of gambling commercials on British TV has increased exponentially 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.

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<sup>1</sup> EPIC Risk Management



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 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

2.1 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.

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.

2.2 Aims of the Analysis

- 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
- Provide the basis for an informed and astute led approach in decision making.

## 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 8,600 people. The daytime population of the City increases significantly, with approximately 615,000 people commuting into the City each week 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.

The city also has a high density of bars & 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 consultations have comprised of the following approaches: :

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 ascertained which types of people were viewed as vulnerable to, or at risk of, gambling-related harm, taking note of the responses in our stakeholder consultation survey.

## **4.2.2 Stakeholder Consultation face to face Interviews**

Face to face consultation interviews have also been conducted 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>2</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>3</sup>

### **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)

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<sup>2</sup> Responsible Gambling Strategy Board - 2009

<sup>3</sup> Helpstopgambling.org

- 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>4</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

#### **4.4 Gambling-Related Harm**

Extracted from our stakeholder consultations 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

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<sup>4</sup> Gambling Commission 2012

- 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 consultations 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>5</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

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<sup>5</sup> EPIC Risk Management



Capturing accurate information about people with poor mental health is difficult and we acknowledge limitations with this, however we believe that there is sufficient, albeit a conservative measure of poor mental health within the City of London.

**Risk factor:** people with substance abuse or misuse problems

**Dataset used:** *Drug and alcohol treatment and recovery centre clinics and clinics within GP surgeries and needle exchanges*

As with problem gambling treatment locations, these clinics are likely to attract potentially vulnerable people to these locations. This data set is an amalgamation of an internal list supplemented by web searches.

**Risk factor:** youth

**Dataset used:** *number of residents aged 10-24years*

The age range of 10-24 has been selected based on the interpretation of the evidence including 'emerging adults' as well as younger children in 'transitional life stages'

*education institutions with students of 13-24 years*

This data is a list of all known educational institutions for people aged 13-24 and are derived from a current Local Authority list, and as such can be considered a reliable source.

These locations have been included as they represent areas where younger people will be present in greater numbers at certain points of the day

## 6. The changing environment of gambling

**6.1** The gambling landscape has changed exponentially in the past 20 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. 32 million gaming accounts are now registered online with an estimate of up to 12 million users.<sup>6</sup>

Recent statistics show that 25% of the population will gamble online at least once a month<sup>7</sup>. However, the most alarming statistic is that 12% of under 18s have claimed to have gambled online<sup>8</sup>. The most predominant demographic however remains professional males aged between 18-35 years old<sup>9</sup> who invariably are in uncontrolled environments where warnings and control are very limited.

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<sup>6</sup> Statista – March 2022

<sup>7</sup> Xace – May 2023

<sup>8</sup> National College – Young People & Gambling Survey 2019

<sup>9</sup> EPIC Risk Management

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 to 1.4m since the Gambling Act 2005 came into force.<sup>10</sup> These advertisements produced 30.9bn 'impacts' – i.e. the number of times a commercial was seen by – and reach 6 out of 10 of all 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.

## 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 weekly working population of approximately 615,000. 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.

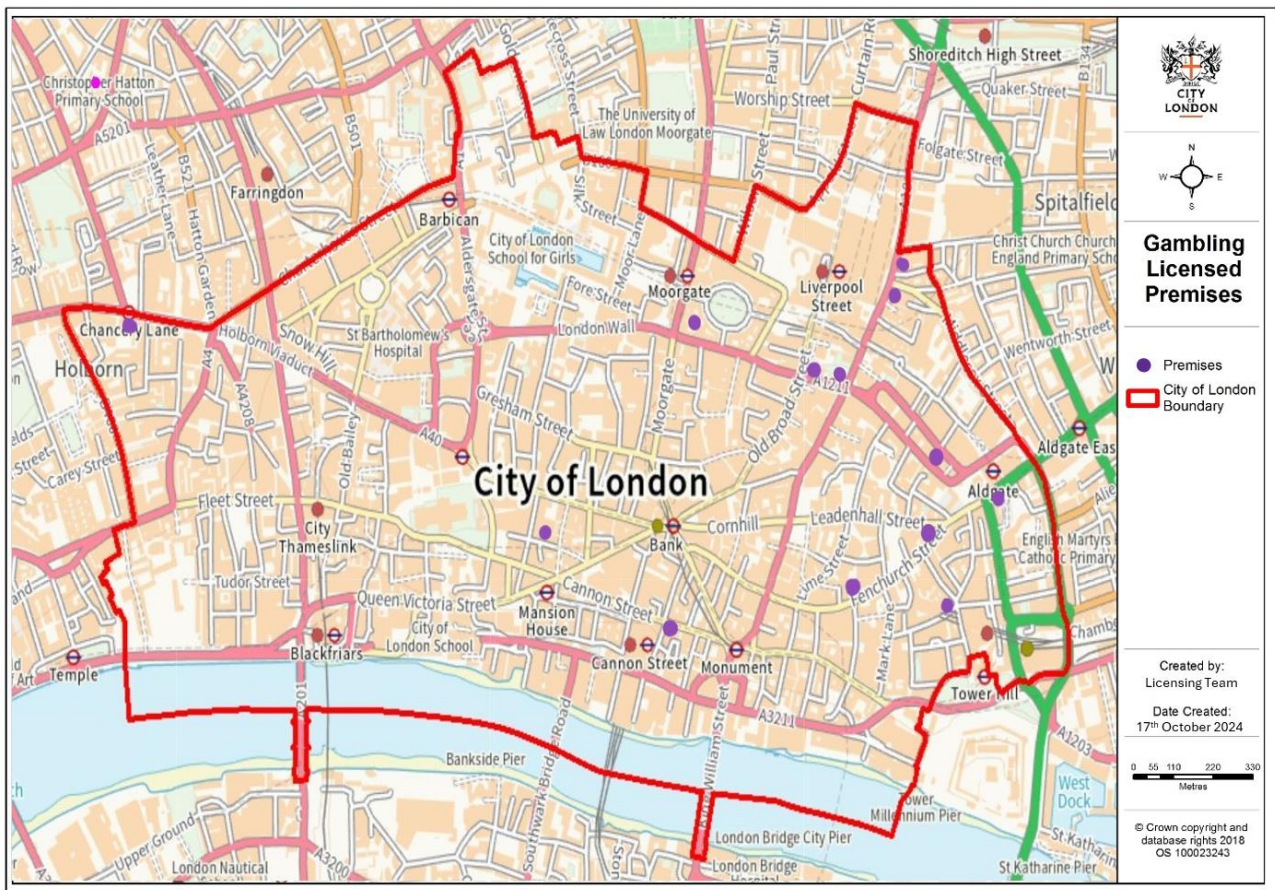
### 7.2 Gambling premises

Gambling Premises have dramatically reduced in the last decade in the City of London with only 12 currently licensed (11 Betting Shops & 1 Bingo Club). The majority of gambling premises are situated in the eastern half of the city.

The map on the following page provides an Overview of all current licences within the City of London.

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<sup>10</sup> Ofcom Research - 2013



### 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>11</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

<sup>11</sup> National Problem Gambling Clinic

The area east of the City of London is most likely to be affected by gambling-related harm, due to the cluster of current licences in the east of the City of London, and the hub of the financial district.

#### **7.4 GamCare & GambleAware Statistics**

The information above is evident in the statistics provided by GamCare & GambleAware.

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. Trying to access updated stats via GamCare London. 0207

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).

Gambleaware stats show that City of London has a lower proportion of people experiencing potential harm than the national average. However over 60% of those that have accessed support services are in the highest category of defined problem gambling.

Furthermore, the proportion of 18-34 year olds and people from minority ethnic groups suffering with high-levels of problem gambling is actually higher than the national average. The annual fiscal cost of problem gambling to the City is estimated to exceed £168 million.

#### **7.5 Evidence review – who are the City of London’s vulnerable groups?**

Extracted from our stakeholder consultations, the Gambling Commission’s survey 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

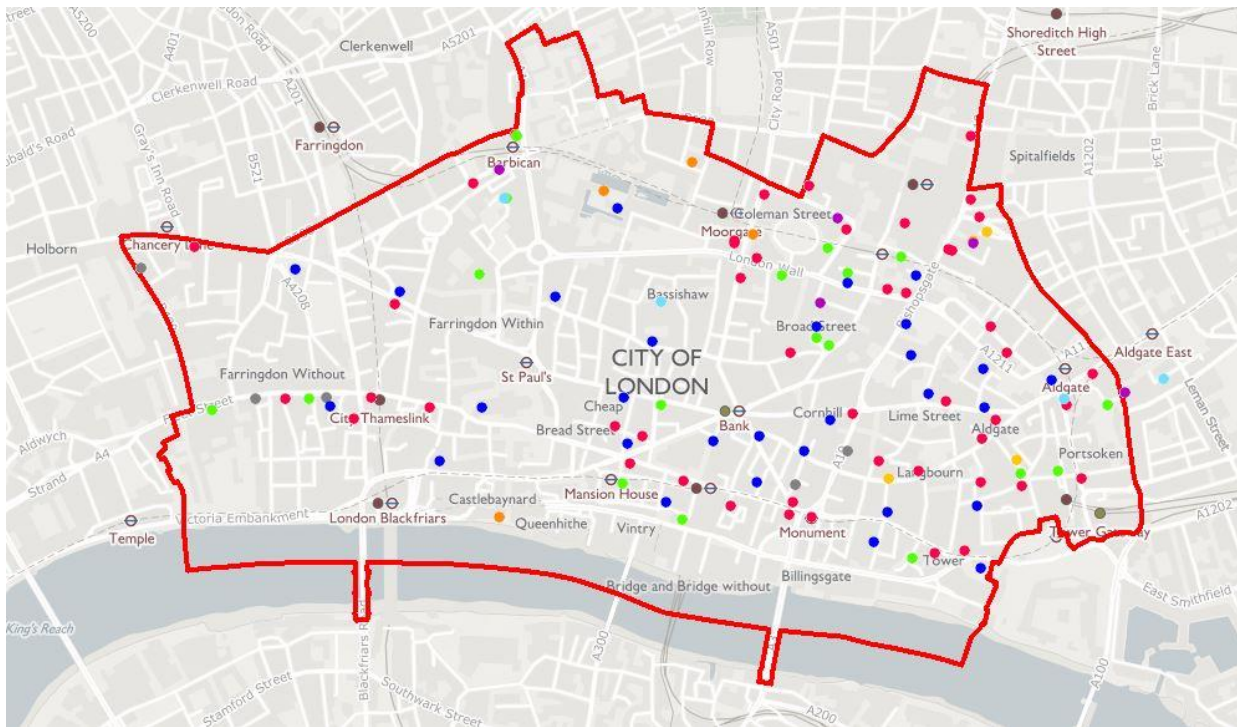
As outlined above the table below demonstrates which of the identified characteristics had first-hand evidence. The characteristics which are shaded in darker grey show where there was evidence to support that these characteristics are associated with a higher risk of harm.

Demographics	Socio-economic	Poor judgement /Impairment	Other
Youth	Unemployment	Low educational attainment	Poor mental health
Older people	Low Income	Low IQ	Substance abuse/
Women	Deprived areas	Under influence alcohol/drugs	Problem gamblers
Ethnic Groups	Financial difficulties/debt	Learning disabilities	Financial Workers
	Homeless	Personality Traits	
	Immigrants		
	Prisoners /probationers		

## 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](#). Refreshed and additional data sets will be added as they become available.



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

## 8. Summary

- 8.1 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>12</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>13</sup>, and the number of gambling commercials on British TV has increased exponentially 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.

- 8.2 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>12</sup> EPIC Risk Management

<sup>13</sup> Ofcom research – 2013

# Appendix A

## 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 2024 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 an update to existing 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.

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 2025

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## **1. Introduction**

- 1.1 The Gambling Commission (the Commission) includes 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 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 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 have to hold a risk assessment for all of their existing premises. Additionally 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 The Commission has a 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 has an ordinary code provision relating to sharing local risk assessments. Both provisions were reviewed and updated on 1 April 2024. 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 1 April 2024.**

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 10.1.2**

**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 are dated 1 April 2024. As a result, all premises that provide facilities for gambling within the City of London must be assessed to identify the local risks posed by the provision of gambling facilities in their

respective locations. This guide will assist operators in complying with these code provisions.

### **3. Risk assessment triggers**

- 3.1 The local risk assessment code provisions provide a number of triggers for when a new assessment is required and for when an existing one requires review. This section sets out the Licensing Authority's views on what these triggers are and when operators should provide a copy of their assessments to the Licensing Authority.

#### **New premises**

- 3.2 If an operator intends to apply for a new premises licence under Part 8 of the Gambling Act 2005 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.

- 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 Operators will assess 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 stated above 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.
- 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.

### **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

Page 89

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 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:**

<b>Category of gambling premises licence:</b>	
<b>Name of person completing assessment:</b>	
<b>Date of Assessment:</b>	
<b>Review Date:</b>	
<b>Notes:</b>	

# 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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# CONSULTATION ANALYSIS

City of London Corporation  
Statement of Licensing Principles Review 2025

## 1. Consultation Background

The City of London Corporation carried out a public consultation on its draft Statement of Licensing Principles using the Commonplace platform. The Consultation ran from the 17<sup>th</sup> September 2024 to the 15<sup>th</sup> October 2024.

The Corporation directly invited by email the Elected Members of the City, resident groups and Responsible Authorities to make comment on the proposed policy.

## 2. Executive Summary

The consultation for the Statement of Licensing Principles generally confirmed the viewpoints used to establish the prior policy. The question set used was identical to the those set out in the Local Area Risk Assessment.

Gambling-related harm was indicated to be made up of the same components and vulnerable people were consistently indicated to be non-specific and a concern across a myriad of groups, in keeping with the results published in the 2022 Local Area Risk Assessment.

A further submission was received from the Betting and Gaming Council, which will be kept on file until the full policy review. The submission focusses on redrafting elements of the policy to change a policy presumption from “perceived need” to “clear evidence of risk”. The other element is regarding increasing awareness for applicants suggested measures and how those are presented to the Corporation.

## 3. Consultation Responses

Not every respondent answered every question. The questions asked in the consultation are listed and summarised below, with the respondent conclusion to the question listed and a rounded percentage figure to illustrate the bias for this conclusion.

The consultation portal page was visited 135 times; and received 15 contributions from 9 individual respondents.

A written response was also received from a business group that represents licensed premises.

### Demographic of Respondents

As above, not every respondent answered every question. Some respondents also picked multiple categories. The full respondent demographic data is illustrated below the summary by charts.

#### Link to the area

Predominantly respondents to the consultation work in the area (33%) or visit the area (33%).

## Gender

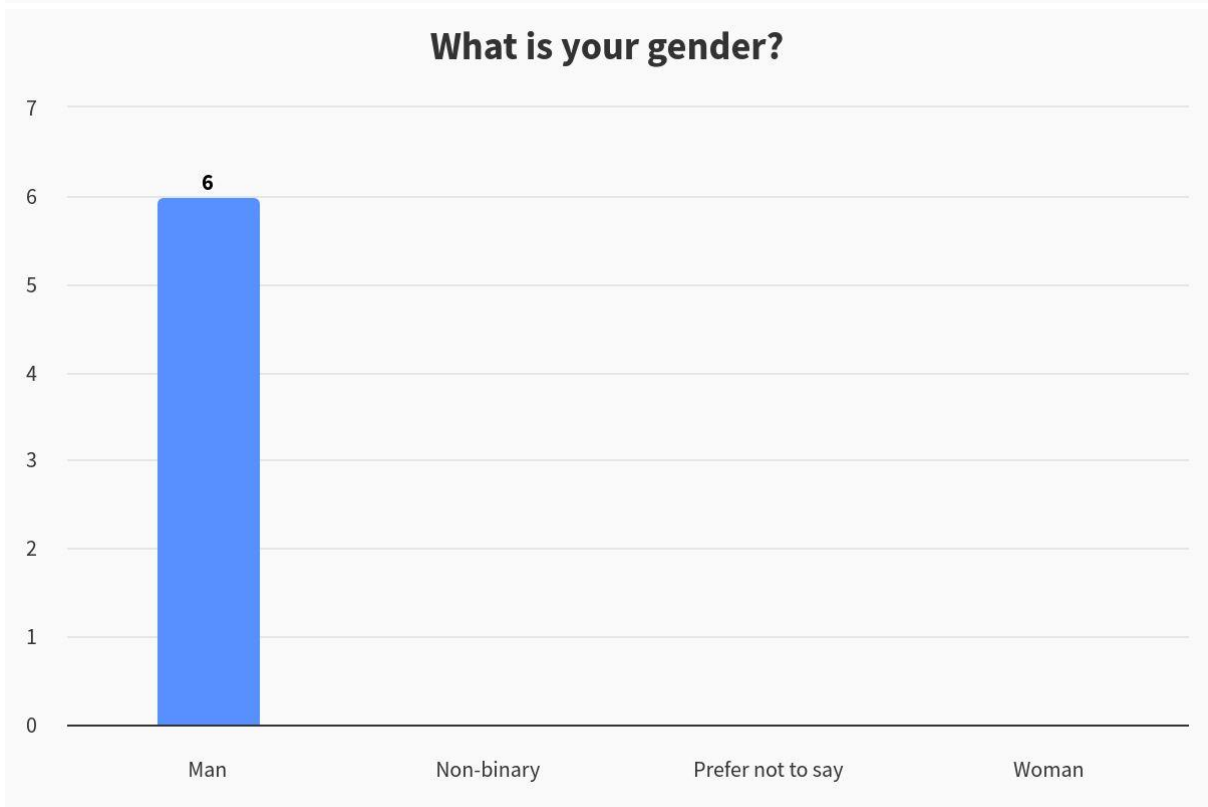
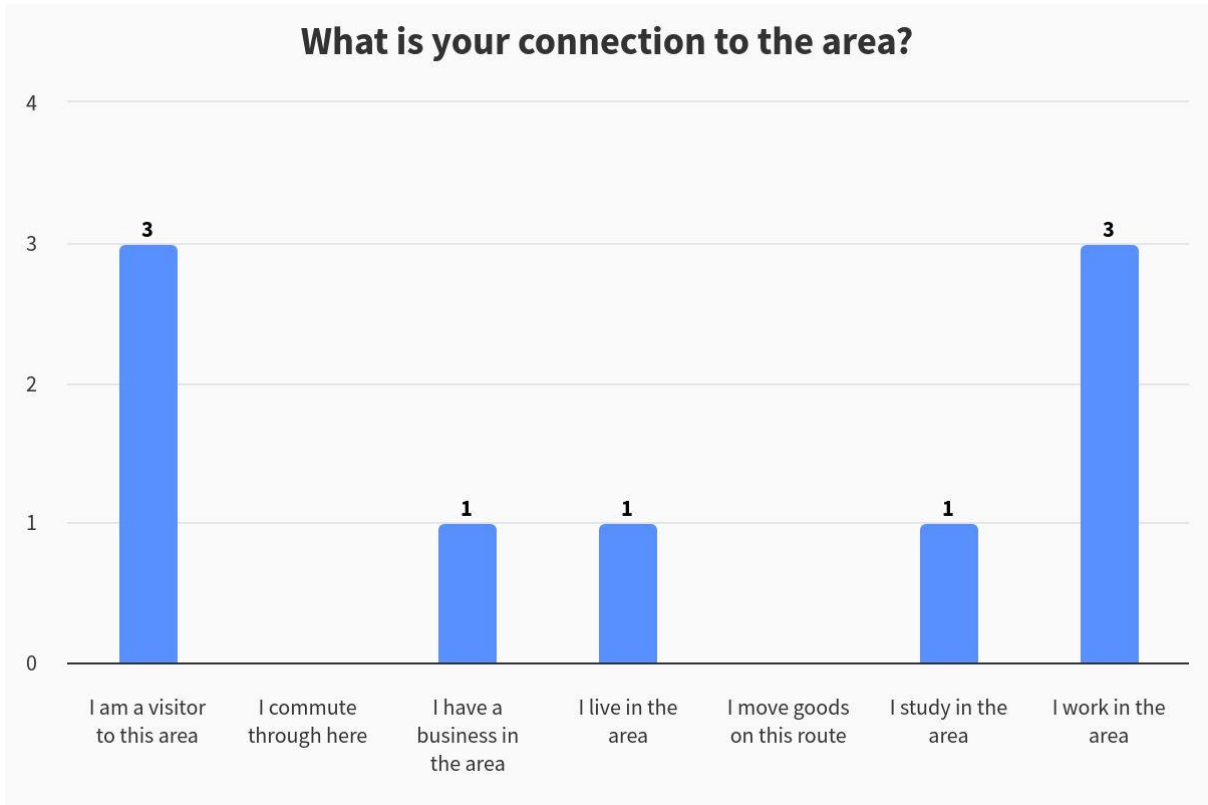
All of the respondents that answered this question were male (100%).

## Employment Status

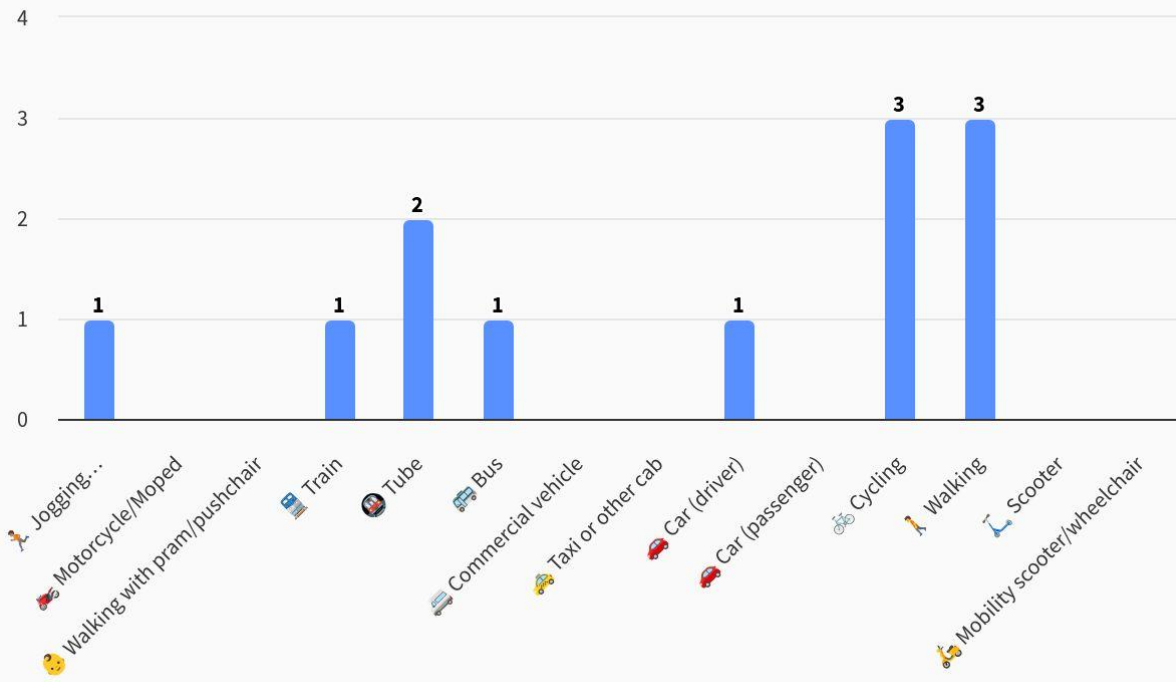
Predominantly respondents to the consultation were retired (44%).

## Travel in the Area

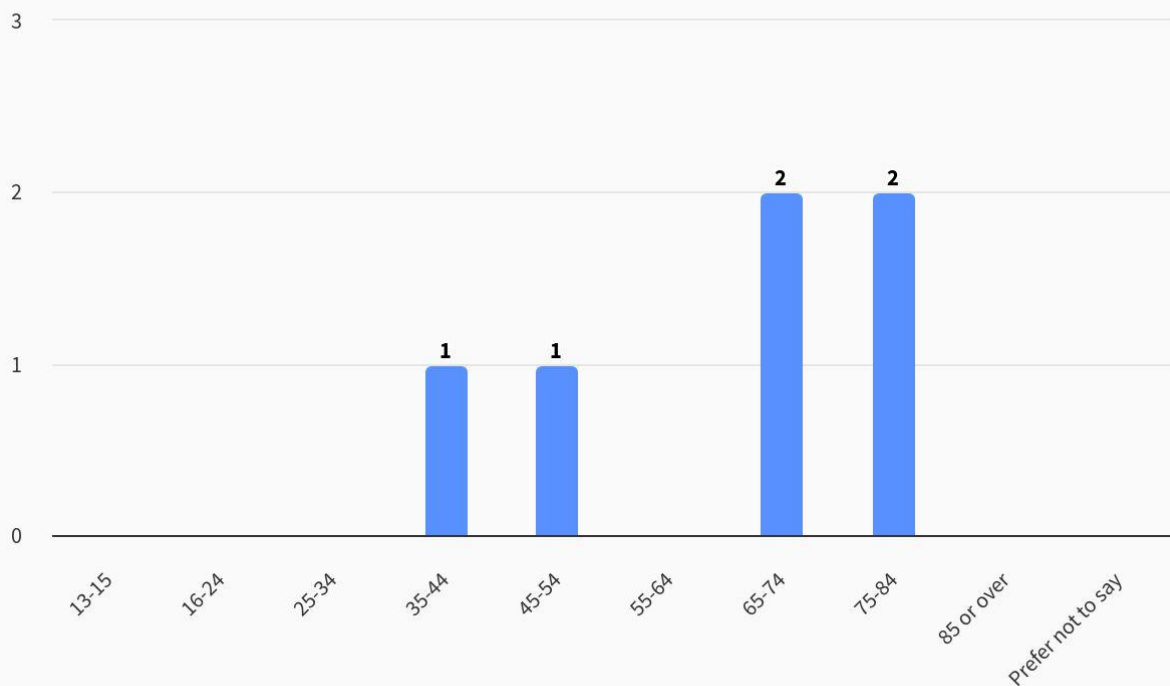
Predominantly respondents to the consultation walk (33%) or cycle (33%) through the area.

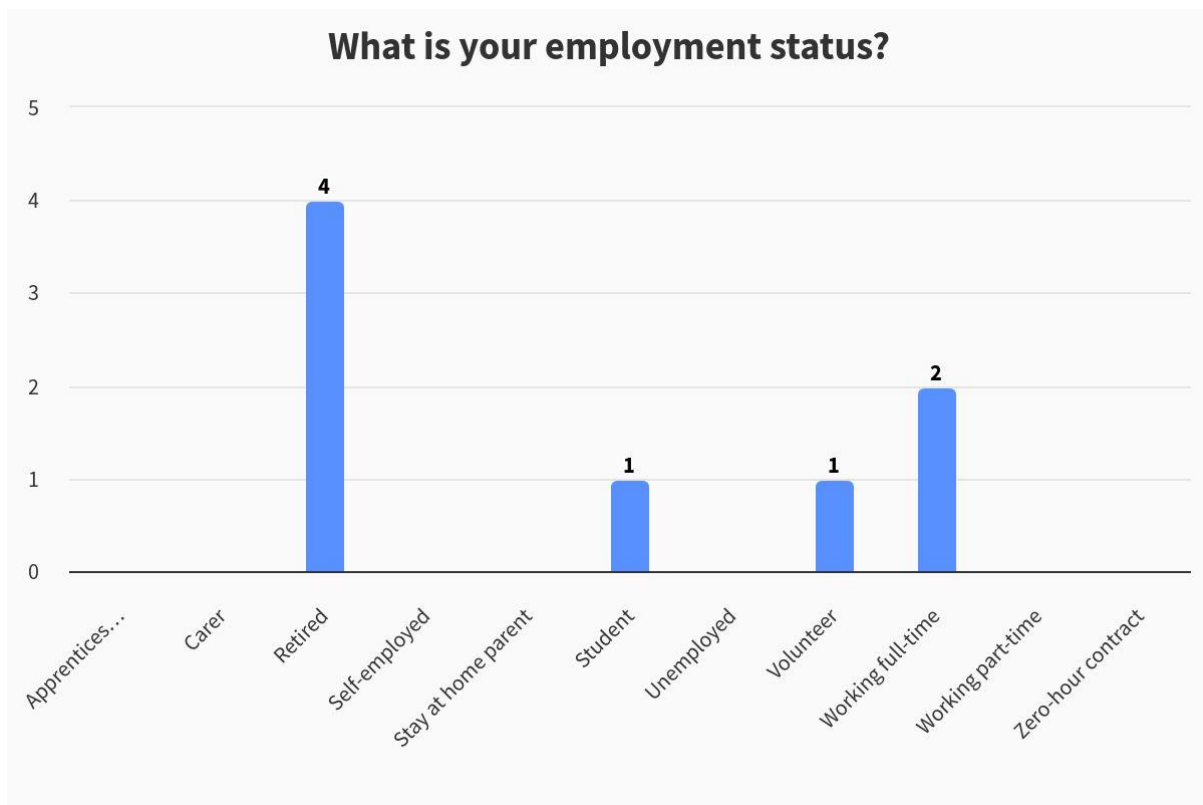


## How do you usually travel in or around the area?



## What is your age group?





## 4. Question Set 1: Gambling-Related Harm

### Summary

Primarily, respondents believed gambling-related harm to be a negative financial impact to a person, often stemming from an addiction to gambling; with both direct and indirect impact on the person, their social relationships, and their community. Some respondents felt that problem gambling was gambling that a person was unable to control, that results in gambling-related harm. It was also summarised as problem gambling being the “cause” and gambling related-harm being the “effect”.

Generally, respondents felt that the two were intrinsically linked, and so closely related that the differences was semantic. Others felt that they were categorically different, and each measured by different metrics.

The respondents seemed to share a consensus that all of the harms listed within the question set were harms that arose from gambling.

The majority of respondents felt that the prior selected harms affected every age group, and every gender. The respondents also felt that all of the listed types of gambling-related harms that may be seen from person to person were applicable.

71% of respondents felt that there was an indefinite time period over which harm might be experienced. Two locations were identified as areas that were most likely to experience gambling related harm. They were Bishopsgate and Cheap; both of which were nominated by 1 respondent.

## 1. What does the term gambling-related harm mean to you?



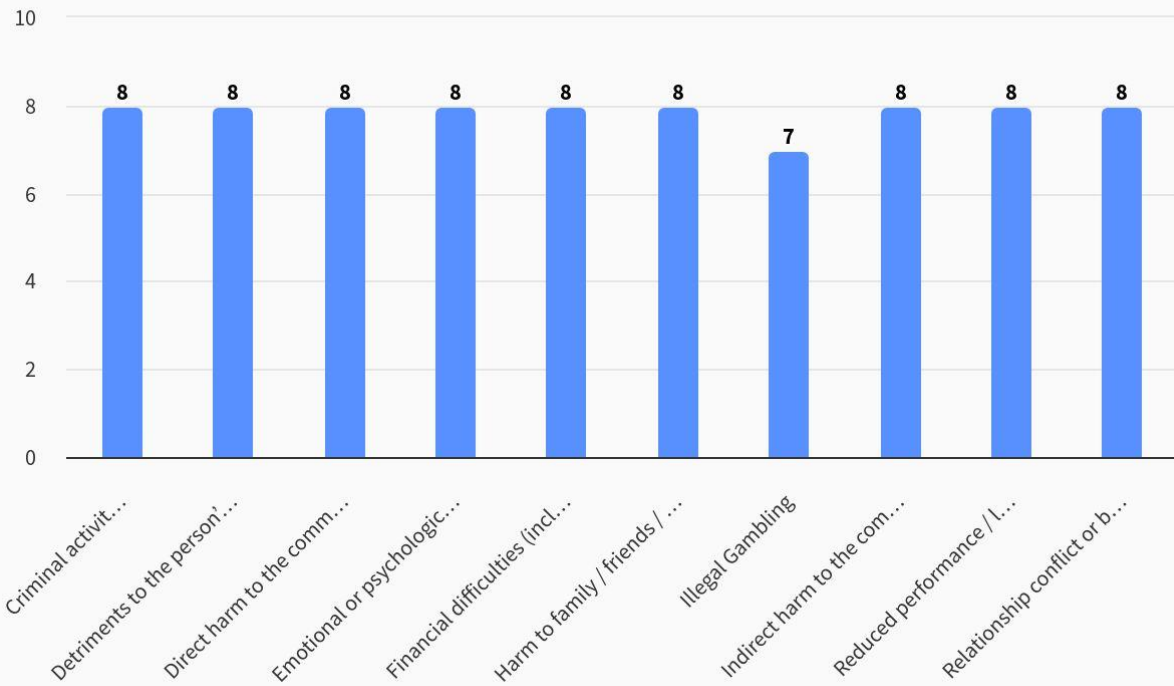
## 2. How does this differ from problem gambling?



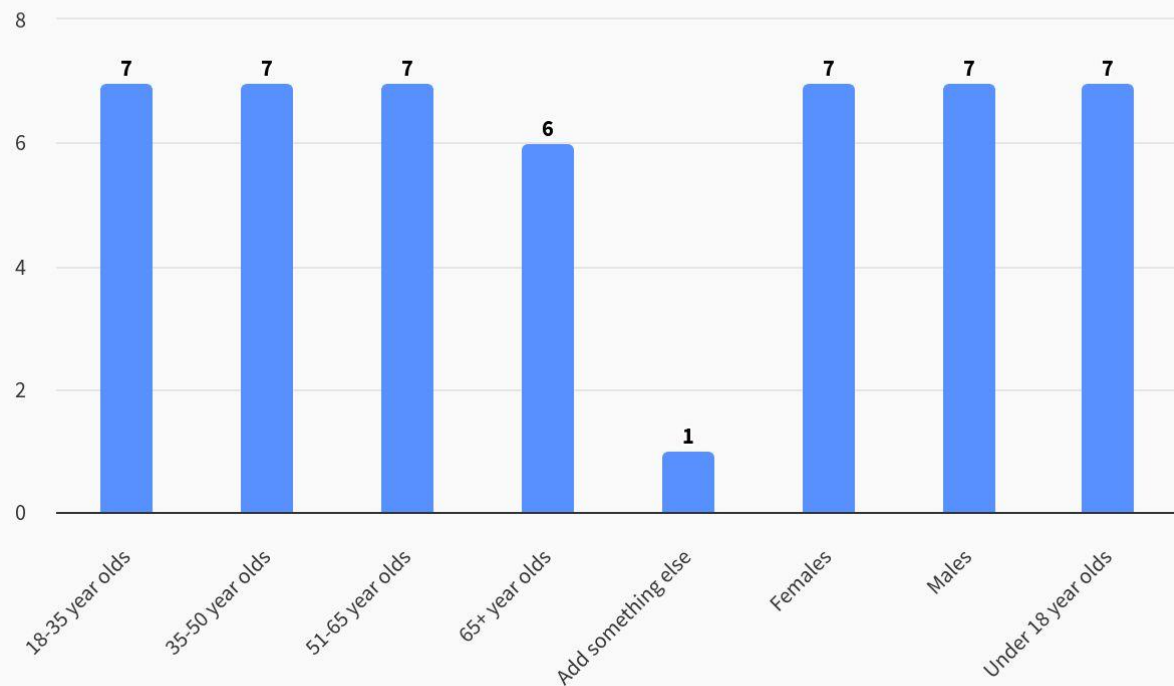




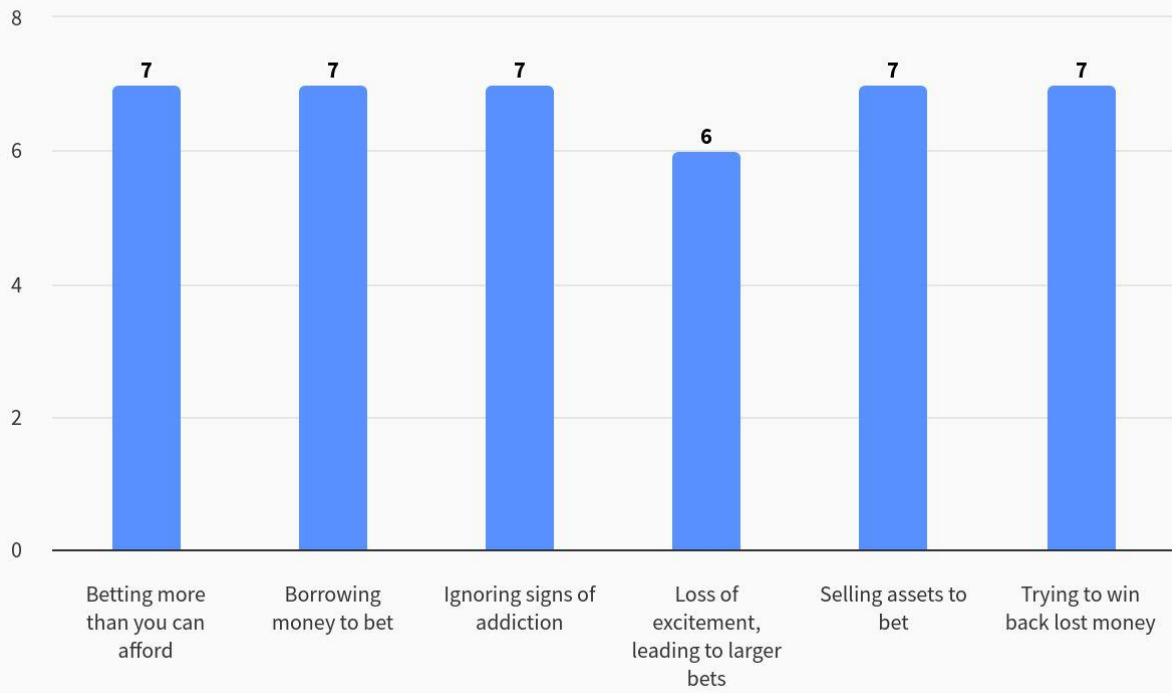
#### 4. What different types of harms arise from gambling?



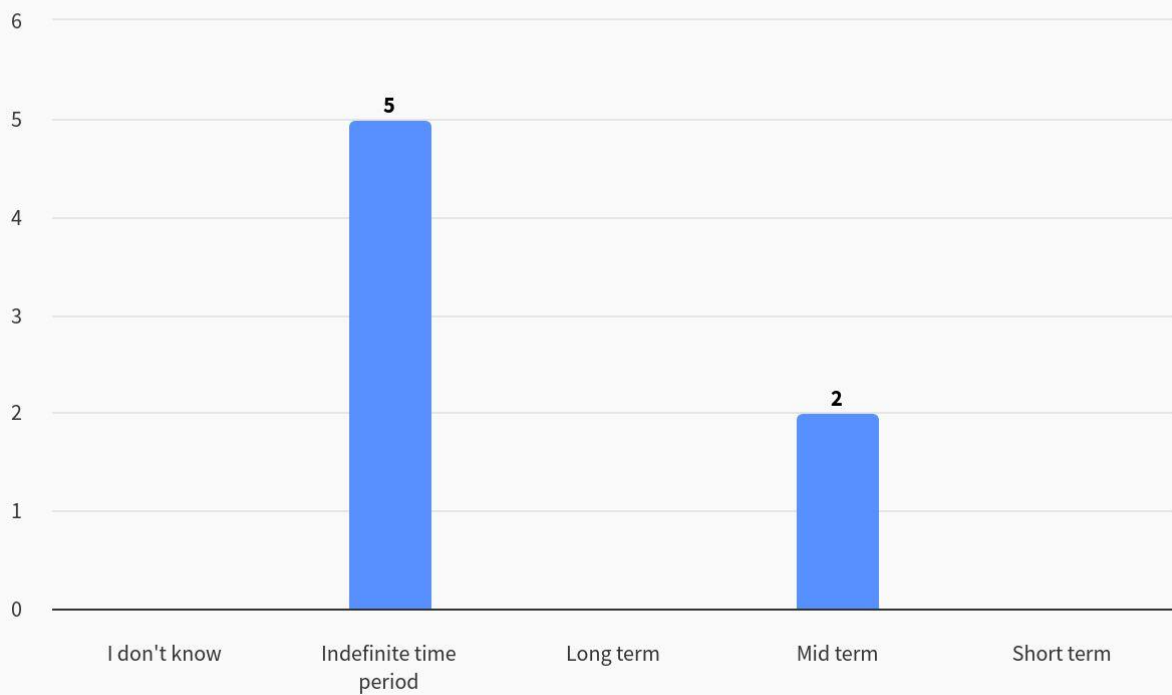
#### 5. Who do these different harms affect?



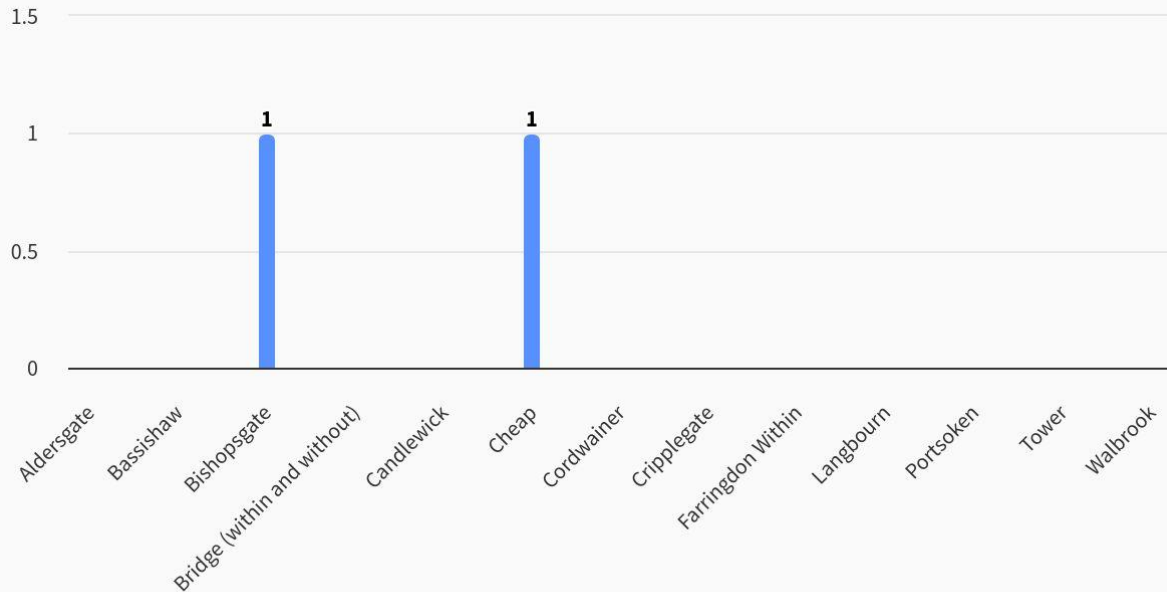
### 6. How might harms vary from person to person?



### 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.



## 5. Question Set 2: Vulnerable People

### Summary

Only four respondents answered this section of the consultation. Respondents felt that vulnerability was identified by a lower resistance to forms of harm, those that need support physically, mentally or both, and those that are unduly influenced by advertising or believe they can win at gambling in the long term.

Generally, people felt that the definition of vulnerability was synonymous with it's identifiers. Two respondents identified that they interact with young people, and no other respondents listed a vulnerable group that they interact with.

Respondents felt that measures that might be used to protect vulnerable people should include major resitrcions on gambling stimuli (in the context of the psychology underlying gambling), restrictions on advertisements and the real time monitoring of gambling.

Respondents felt that those measures would protect most groups, from problem gaming; and that all groups were equally at risk of harm. Respondents felt that the most vulnerable group to gambling-related harm were those with special educational needs.

Respondents also indicated the following characteriistics for those who were vulnerable to gambling related harm:

- Addictive personality

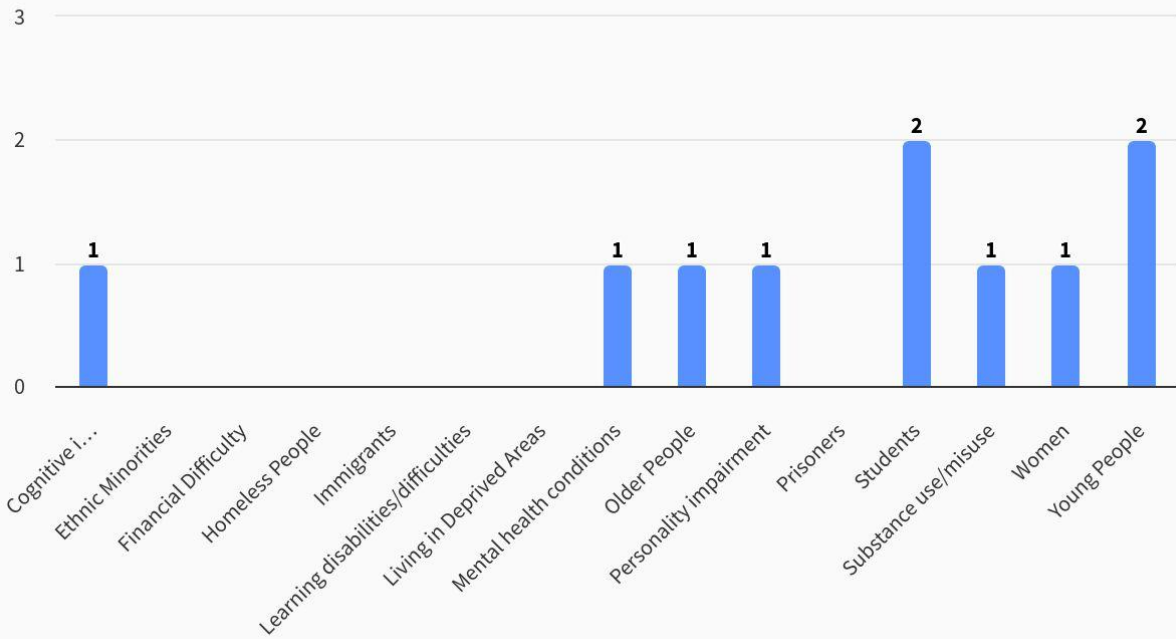
- Deprived or poorer communities
- Lack of support mechanisms
- Suffering emotional trauma
- Lower level of education

Generally, respondents felt that the characteristics of who is vulnerable haven't changed over the past 10 years.

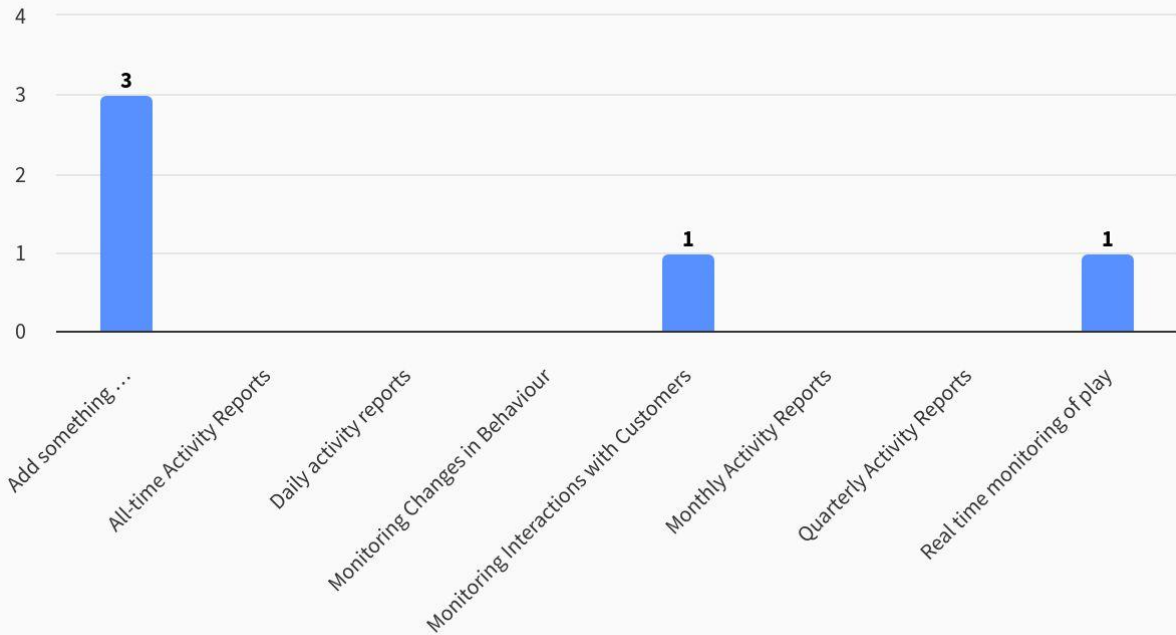




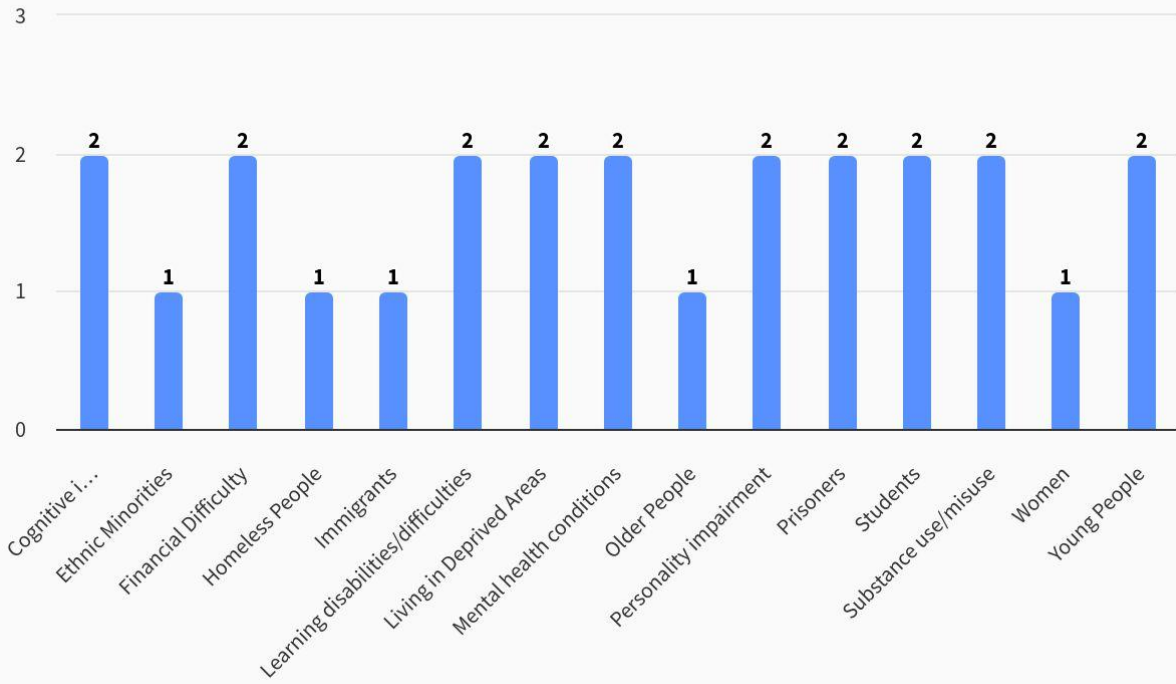
### 11. What type of vulnerable groups do you/your organisation interact with?



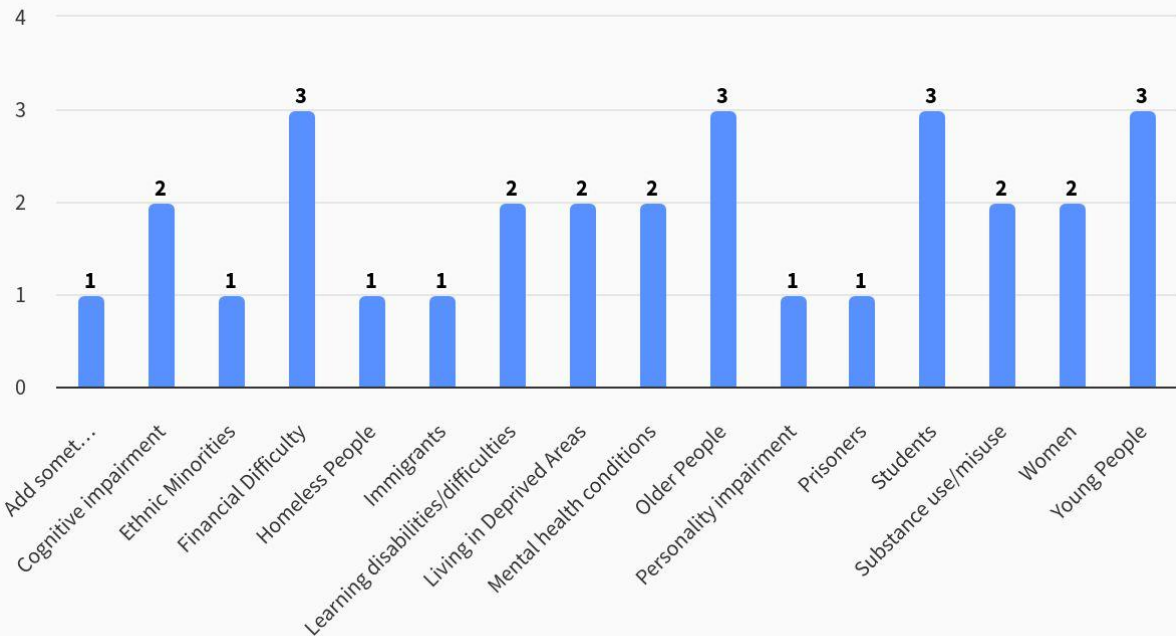
### 12. What measures might be used to protect vulnerable people?



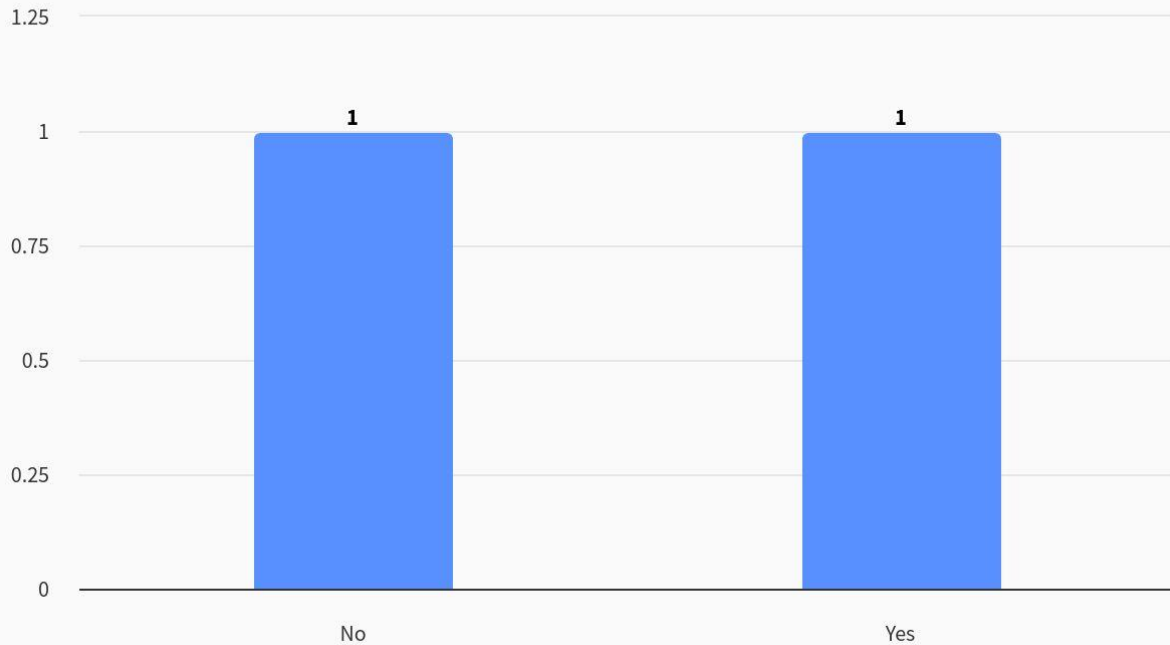
### 13. Which groups specifically?



### 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?**

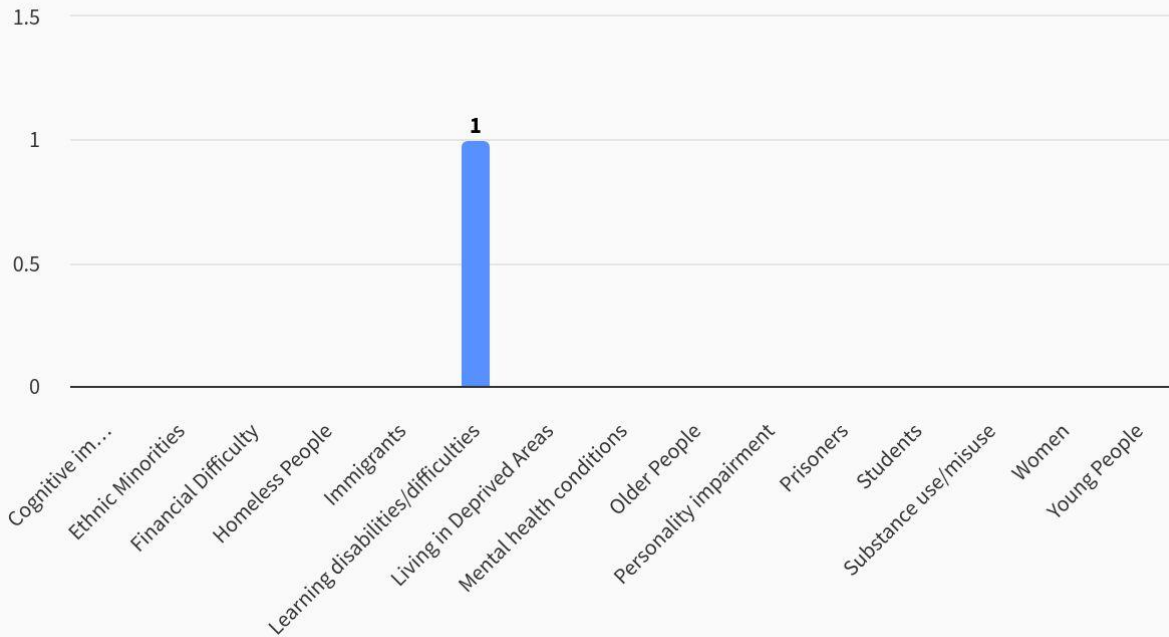


**16. Why is that? Is this evidence based?**

effects people directly  
semantics harms affect  
gambling observational involved  
gamblingrelated evidence gamblers  
essentially problems include



**17. Which group do you think is most vulnerable to gambling-related harm?**



**19. How do you think the characteristics of who is vulnerable have changed over the last 10 years?**

media important  
mechanisms know  
social evolved  
dont

## 6. Question Set 3: Other Summary

Generally, respondents felt that there was a conflict between the Local Authorities licensing function and the objective of protecting vulnerable people. Respondents also felt that advertising and sponsorship needed to be more tightly restricted.

**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?**

yes      protected      adequately

**vulnerable**

ing      protect      **people**

**21. Is there anything else you would like to add on this topic?**

**sponsorship**      advertising

**gambling**      blair

laws      huge

relaxed      damage

restricted      **socalled**      including

## 7. Submission from Industry Body

The Betting and Gaming Council provided a lengthy response to the statement of licensing principles, which can be summarised as below:

1. Clarification that the conditions attached to a premises licence shall only be attached when the standard Gambling Commission conditions have failed to uphold the licensing objectives and not when there is only “perceived need”.
2. That the section of the policy on adult gaming centres and licensed family entertainment centres should be redrafted to ensure it is clear that applicants should outline their suggested measures in their risk assessment, and not their application form.

This representation will be kept on file for use at the point of redevelopment of the policy. There is currently no need to redraft the policy as there is no prejudice towards applicants at this point in time.

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## Equality Impact Assessment Form

Before completing this form, please refer to the Equality Impact Assessment Guidance documents and training materials

- EQIA Intranet Infohub
- [EQIA Guidance](#)

The Equality Impact Assessment (EQIA) will identify how any proposed policies, practices, activities, service changes or procedures will impact or affect different groups or communities if implemented. It supports officers in assessing whether the impacts are positive, negative, or unlikely to impact each of the nine protected characteristic groups. The assessment will also demonstrate whether there are ways to proactively advance equity, equality, diversity and inclusion. An EQIA is required before you finalise your proposal, or it may not be legally compliant.

If you have any questions or need feedback on your analysis, please contact the EDI team: [CSPT.EDI@cityoflondon.gov.uk](mailto:CSPT.EDI@cityoflondon.gov.uk)

### **Section 1: To be completed by all**

<b>Details of the lead officer completing the Assessment</b>	Joe Mannix Licensing Policy Officer <a href="mailto:Joe.mannix@cityoflondon.gov.uk">Joe.mannix@cityoflondon.gov.uk</a>
<b>Department Responsible:</b>	<b>Licensing</b>
<b>Who has been involved in creating the EQIA:</b> (please summarise/list stakeholders you have engaged with and how)	<b>Policy consultees and public consultation.</b>
<b>Date of Initial assessment:</b>	<b>17/10/2024</b>
<b>Dates of review (as applicable)</b>	<b>To be reviewed at next policy refresh.</b>

Please refer to the EQIA guidance when completing this form

## 1. PROPOSAL OVERVIEW

**What does the proposal aim to achieve?** Please outline your proposal below

- If no potential impacts are identified at this stage, proceed to **Section 3**
- If you believe there may be potential impacts, continue to **Section 2** to complete a full EQIA.

The renewal of the Statement of Licensing (“Policy”) seeks to achieve the statutory functions required of the City Corporation, under the Gambling Act 2005. The Act requires that the Licensing Authority reviews their policy at least once every three years.

The Policy covers the licensing of physical gambling within the City of London. Primarily, this covers Betting, Bingo, Adult Gaming Centres, Licensing Family Entertainment Centres and Gambling Machines in Premises licensed for the sale of alcohol. The Gambling Commission is the regulator for remote gambling.

The proposal seeks to renew the existing policy, with updated information, formatting, and minor text amendments.

The proposal is a statutory matter, which allows the City to establish the principles it uses to determine the issuance of gambling premises licences. Primarily, our policy is focussed on ensuring that licences are granted to appropriate locations, avoiding sensitive locations to increase community cohesion.

Please refer to the EQIA guidance when completing this form

## Section 2: To be completed for a full EQIA

### 2. EVIDENCE AND IMPACT ANALYSIS

Please highlight the potential impact on these groups, actions taken to mitigate impact and advance equality, diversity and inclusion (include data/evidence upon which the analysis is based)

Protected Groups:

- Age
- Disability
- Gender Reassignment
- Marriage & Civil Partnership
- Pregnancy & Maternity
- Race
- Religion & Belief
- Sex
- Sexual Orientation

Additional Groups

- Socio-economic background
- Care leavers
- Carers & Parents
- Veterans

Where relevant note relevant intersectional impacts: where combinations of different group identities may result in unique or compounded impacts.

Several studies have identified protected characteristic groups as being disproportionately affected by gambling-related harms. These groups include:

1. **People with Disabilities:** Studies have shown that individuals with disabilities are more likely to experience gambling problems. This may be due to factors such as increased isolation, limited employment opportunities, and higher rates of mental health conditions. This was indicated in the Gambling Commissions research on vulnerability in gambling.
2. **People with Mental Health Conditions:** Research suggests a strong association between gambling and mental health issues, with individuals experiencing conditions like depression, anxiety, and bipolar disorder being at higher risk. These conditions can contribute to impulsive behaviour and difficulty coping with negative emotions, making individuals more vulnerable to gambling addiction. This was indicated in a study undertaken by the National Centre for Social Research.
3. **People from Marginalised Communities:** Studies have indicated that individuals from marginalized communities, such as those living in poverty, experiencing homelessness, or facing discrimination, are at a higher risk of gambling-related harms. Economic hardship, social isolation, and limited opportunities can contribute to gambling being used as a coping mechanism.

**Please refer to the EQIA guidance when completing this form**

This was indicated in the Gambling Commissions research on vulnerability in gambling.

4. **Older Adults:** While gambling rates among older adults may be lower than in younger populations, studies have shown that they are still at risk of experiencing gambling-related problems. Factors such as loneliness, boredom, and financial insecurity can contribute to gambling among older adults. This has been indicated in studies by GambleAware.
5. **People from Minority Ethnic Groups:** Some studies have suggested that individuals from certain minority ethnic groups may be at a higher risk of gambling-related harms. Cultural factors, language barriers, and limited access to support services can contribute to vulnerability. This was indicated in the Gambling Commissions research on vulnerability in gambling.

It's important to note that these are general trends, and individual experiences may vary. Factors such as the type of gambling, access to treatment, and personal circumstances can also influence an individual's risk of harm.



### 3. STAKEHOLDER ENGAGEMENT, MITIGATIONS AND CHANGE

**Outline any consultation/engagement activity and additional information gathered not outlined above (if relevant)**

Include information on stakeholders involved, and methods used for engagement / consultation.

Describe any further work required on proposals as a consequence of engagement/consultation (if relevant)

A public consultation was held from the 17<sup>th</sup> September to the 15<sup>th</sup> October 2024, in order to assess any areas which were not accounted for in our original policy.

Of note, the members of public that responded felt that gambling was negatively impacting young people due to the prevalence of online advertising. This is contradicted by the studies that have been carried out by The Gambling Commission, which found that 82% of young people who had seen or heard adverts about gambling said that it did not prompt them to spend money on gambling.

However, young people are inherently at the higher end of risk with regard to gambling by virtue of their legal status.

To tackle this, the Gambling Commission has raised the age verification scheme required of gambling operators to challenge 25. They also require operators to regularly and periodically test purchase their own stores to ensure that age verification measures are being adhered to. This has led to a positive impact on young people by means of the increased protections placed on their interactions.

Furthermore, there are general safeguards provided by the Gambling Commission in the form of their Licence Conditions and Codes of Practice, by which all operators are bound. Our policy is unable to affect these conditions, but focusses more on increasing community cohesion, by ensuring gambling premises are in suitable locations.

Please refer to the EQIA guidance when completing this form

#### **4.MONITORING AND REVIEW**

**Will you monitor and review the impact of the proposal once it has been put into effect, if so how? What are the timescales for reviewing the EQIA once proposals are implemented?**

This may take the form of an action plan - template available here

The proposal will be reviewed when the Gambling Commission release their new guidance to local authorities, which is expected in 2025; or, in any case, within three years of the policy being adopted. It may also be reviewed when information is received that there is an impact on our PSED.

Please refer to the EQIA guidance when completing this form

**Section 3: To be completed by ALL**

**5.RECORDING YOUR DECISION AND SIGN-OFF**

**Detail the decision of how your proposal will progress.**

**Describe any changes or mitigations needed for adverse impacts.**

**Include negative impacts that require justification.**

The proposal will continue, inline with our statutory obligations. The proposal promotes positive impact to our communities by increasing community cohesion; by ensuring premises licences are not granted near to sensitive areas.

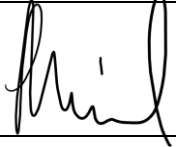
The general rules and regulations surrounding the Gambling Act 2005 are the purview of the Gambling Commission. The City Corporation has a duty to grant licenses under the Gambling Act 2005, unless there is clear evidence that the gambling licensing objectives are being undermined.

Equality and diversity issues are monitored and regularly by the Gambling Commission throughout the course of the year. Any necessary changes that may change or mitigate adverse outcomes are dictated by the Gambling Commission's License Conditions and Codes of Practice, and are leveraged against the Operator's Licence.

Please refer to the EQIA guidance when completing this form

**Sign off**

1. Officer completing the EQIA

<b>Name</b>	Joe Mannix
<b>Job Title</b>	Licensing Policy Officer
<b>Date</b>	18/10/2024
<b>Signature</b>	

2. Line Manager

<b>Name</b>	
<b>Job Title</b>	
<b>Date</b>	
<b>Signature</b>	

3. Senior Manager or Chief Officer

<b>Name</b>	Rachel Pye
<b>Job Title</b>	Assistant Director Public Protection
<b>Date</b>	19.10.24
<b>Signature</b>	Rachel Pye.

Once this form has been signed off, please send a copy of the form to the EDI Team: [CSPT.EDI@cityoflondon.gov.uk](mailto:CSPT.EDI@cityoflondon.gov.uk)

# SUMMARY OF CHANGES

<b>Paragraph</b>	<b>Change</b>
All	Change to document formatting, throughout entirety of document.
1.1	Minor changes to wording.
1.2	Updated statistics and change to wording.
1.3	Change of wording to reflect legislation and guidance.
1.4	Inclusion of legal requirement, change of wording and updated list of consultees.
1.4	Updated consultation dates.
1.7	Removed.
2.3	Removed.
2.4 (Now 2.3)	Condensed.
3.1	Remove reference to external document versions.
9.13	Remove multiple premises section.
9.32 (Now 9.31)	Updated wording to reflect legislation.
10.3	Removed due to duplication.
12.1	Reworded to avoid repetition.
Contact	Added Licensing Service contact details.



# STATEMENT OF LICENSING PRINCIPLES

GAMBLING ACT 2005

January 2025

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<b>Amendment</b>
Change to document formatting, throughout entirety of document.
<b>Reasoning</b>
To ensure document is in keeping with the City Corporation’s communication standards.



# 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 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.

<b>Amendment</b>
Minor changes to wording.
<b>Reasoning</b>
Improving grammar and improving accessibility.

- 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 the 615,000 people who come to work in the “Square Mile” every week. 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 as the world’s leading international financial and business centre both home and abroad; The Mayor’s Office consults the City community on all business needs.

<b>Amendment</b>
Updated statistics and replacement of “consulting widely within the City community on business needs.” with “The Mayor’s Office consults the City community on all business needs”
<b>Reasoning</b>
Statistics based on last recorded publicly available dataset, and improving accuracy of statement.

- 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 time to time, be revised when necessary, and published before taking effect.

<b>Amendment</b>
Remove “The statement must also be reviewed from and any amended parts re-consulted upon. The statement must then be re-published.” and replace with “The statement must also be reviewed from time to time, be revised when necessary, and published before taking effect.”
<b>Reasoning</b>
Correcting wording for consistency with legislation and guidance.

1.4 The City of London Corporation consulted widely upon this statement before finalising and publishing it, as required by Section 349 of the Act. A list of those consulted with is provided below:

- Chief Officer of Police
- Gambling Commission
- Representatives of the Trade:
  - Ladbrokes
  - William Hill
  - Coral
- Gamcare
- GambleAware
- Betting and Gaming Council
- Gambling Business Group
- National Association of Bookmakers
- Bingo Association
- City Residents Associations
- Director of Community and Children’s Services
- Members of the Licensing Committee
- Members of the Licensing Liaison Panel
  - Highways
  - Environmental Health
  - Planning
  - Community Safety
  - Immigration Services
  - Street Enforcement
  - Public Health
  - Trading Standards
  - London Fire Brigade
- In addition the Statement was placed on the City Corporation web site for comment

<b>Amendment</b>
<ol style="list-style-type: none"> <li>1. Inclusion of “, as required by Section 349 of the Act”</li> <li>2. Reword “A list of those persons consulted is provided below:” to “ A list of those consulted with is provided below:”.</li> <li>3. Updated list of consultees.</li> </ol>
<b>Reasoning</b>
<ol style="list-style-type: none"> <li>1. Inserted for clarity of requirement.</li> <li>2. Improving grammar and accessibility.</li> <li>3. List updated to accurately reflect operators within the Square Mile.</li> </ol>

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.

This statement of principles was consulted on from Tuesday 17<sup>th</sup> September 2024 to Tuesday 15<sup>th</sup> October 2024.

<b>Amendment</b>
Change of consultation dates.
<b>Reasoning</b>
Updated to reflect the consultation carried out for this policy.

1.5 The policy was approved at a meeting of the Court of Common Council on [date to be confirmed] and is published via our website. Hard copies are available on request.

1.6 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 Act.

<b>Amendment</b>
Remove “Should you have any comments as regards this policy statement please send them via email or letter to the contact details at the end of this document.”
<b>Reasoning</b>
Superfluous to policy, as comments are captured during consultation period.

## 2. The Licensing Objectives

2.1 In exercising most of their functions under the Act, licensing authorities must have regard to the licensing objectives as set out in section 1. 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 The Corporation has a duty to pursue these objectives, and we expect gambling businesses to act in accordance with them. There is no restriction on the number of gambling premises in the city, and we will aim to permit the use of premises for gambling, providing we believe the use 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 under section 25 of the act.
- reasonably consistent with the licensing objectives and
- in accordance with the [licensing] authority's Statement of Licensing Principles.

<b>Amendment</b>
<p>Remove:</p> <p>"2.3 It should be noted that the Gambling Commission has stated:</p> <p style="padding-left: 40px;">'The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.'</p> <p>2.4 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:</p> <ul style="list-style-type: none"><li>• in accordance with any relevant code of practice [under section 24 of the Act]</li><li>• in accordance with any relevant guidance issued by the Gambling Commission</li><li>• reasonably consistent with the licensing objectives and</li><li>• in accordance with the [licensing] authority's Statement of Licensing Principles"<p>Replace with paragraph 2.4, below.</p></li></ul>
<b>Reasoning</b>
Summarised requirements for succinctness, and accessibility. No need to duplicate S.153.

2.3 Our aim to permit provides the Corporation wide remit to impose conditions on a premises licence, reject, review or revoke a premises licence where there is conflict

with the objectives, code of practice, guidance or our 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 is consistent with the Gambling Commission's current guidance and code of practice.

<b>Amendment</b>
Removal of references to Gambling Commission document versions.
<b>Reasoning</b>
To prevent the policy from being challenged on the basis of relevance due to superfluous changes to the guidance / code of practice.

- 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 Section 158 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 licensing authority 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 Service 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 set out by legislation 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, Energy and Industrial Strategy 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 the licensing authority will not be involved in licensing remote gambling at all. This falls 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 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 sub-divisions 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 latest edition of its Guidance to Licensing Authorities (issued May 2021) 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.

<b>Amendment</b>
<p>Removal of Multiple Premises section.</p> <p><b>“Multiple Premises</b></p> <p>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.”</p>
<b>Reasoning</b>
<p>Removed to reflect guidance and procedure. The issuance of gambling premises licences is a matter for the issuing authority. Enforcement against operator licences remains the purview of the Gambling Commission.</p>

## Location

9.13 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

9.14 The Gambling Commission’s 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.

- 9.15 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.'
- 9.16 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.
- 9.17 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**

- 9.18 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.
- 9.19 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 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 has been 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.

- 9.20 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.
- 9.21 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.
- 9.22 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.
- 9.23 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**

- 9.24 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.
- 9.25 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.

9.26 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.

9.27 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.

9.28 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.

9.29 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

9.30 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.

9.31 Where it is decided that supervision of entrances/machines is appropriate for particular cases, door supervisors must be SIA licensed.

<b>Amendment</b>
Reword “door supervisors are expected to be SIA licensed” to “door supervisors must be SIA licensed”.
<b>Reasoning</b>
In keeping with the requirements of the Private Security Industry Act 2001.

## 10. Adult Gaming Centres

10.13 The City of London 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.

10.14 The City 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.

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

<b>Amendment</b>
Removal of “ 10.3 The City Corporation will, as per the Gambling Commission’s guidance, refer to the Commission’s website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The City of London Corporation will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.”
<b>Reasoning</b>
Removed as duplicated from earlier in policy.

## 11 Licensed Family Entertainment Centres

11.1 The City of London 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 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 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.

<b>Amendment</b>
Reworded “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.” to “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.”
<b>Reasoning</b>
Removed repetitive point to improve accessibility and for brevity.

## 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) (now amalgamated in the Licence Conditions and Codes of Practice (LCCP)) states that ‘licensees must ensure that their policies and procedures take account of the structure and layout of

their gambling premises' in order to prevent underage gambling.'

## 14. Betting Premises

14.1 Betting machines – The City Corporation will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable people (it is an offence for those under 18 years of age to bet), when considering the nature and circumstances of betting machines an operator wants to offer.

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

## 15. Travelling Fairs

15.1 It will fall to the City Corporation to decide, where category D machines and / or equal chance prize gaming without a permit is made available for use at travelling fairs, if the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

15.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

15.3 It has been noted that the 27 days statutory maximum for the land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The City of London Corporation will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

## 16. Provisional Statements

16.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises

licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

16.2 Section 204 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 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 in the Local Area Profile.

### Contact

City of London Licensing  
PO Box 270  
Guildhall  
London  
EC2P 2EJ  
Email: [licensing@cityoflondon.gov.uk](mailto:licensing@cityoflondon.gov.uk)  
(T) 020 7332 3406

<b>Amendment</b>
Insert Licensing Service contact details, as referenced earlier in the policy.
<b>Reasoning</b>
Included as prior section indicated that details would be present.

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<sup>1</sup> Guidance on Undertaking Gambling Risk Assessments – January 2025

<sup>2</sup> Gambling Local Area Profile – January 2025

## City of London Corporation Committee Report

<p><b>Committee(s):</b>          Planning &amp; Transportation (For Decision)</p> <p>Licensing (For Information)</p>	<p><b>Dated:</b>          05 November 2024</p> <p>31 October 2024</p>
<p><b>Subject:</b>          Business and Planning Act 2020, as amended by          Levelling Up and Regeneration Act 2023.  <b>Alfresco Dining Policy 2024</b></p>	<p><b>Public report:</b>          For Decision</p>
<p><b>This proposal:</b></p> <ul style="list-style-type: none"> <li>• <b>delivers Corporate Plan 2024-29 outcomes</b></li> <li>• <b>provides statutory duties</b></li> <li>• <b>provides business enabling functions</b></li> </ul>	<ul style="list-style-type: none"> <li>• Corporate Plan Outcomes:             <ol style="list-style-type: none"> <li>1. Diverse Engaged Communities</li> <li>2. Dynamic Economic Growth</li> <li>3. Vibrant Thriving Destinations</li> <li>4. Providing Excellent Services</li> </ol> </li> <li>• Statutory duties under Business and Planning Act 2020</li> <li>• Providing the hospitality industry to option to extend floorspace externally.</li> </ul>
<p><b>Does this proposal require extra revenue and/or capital spending?</b></p>	<p>No</p>
<p><b>If so, how much?</b></p>	<p>£ N/a</p>
<p><b>What is the source of Funding?</b></p>	<p>N/a</p>
<p><b>Has this Funding Source been agreed with the Chamberlain's Department?</b></p>	<p>No</p>
<p><b>Report of:</b></p>	<p>Gavin Stedman          Port Health and Public Protection Director</p>
<p><b>Report author:</b></p>	<p>Aggie Minas          Licensing Manager</p> <p>Joe Mannix          Licensing Policy Officer</p>

## **Summary**

Following the enactment of the Levelling Up and Regeneration Act 2023, the Business and Planning Act 2020 was amended to make Pavement Licensing a permanent licensing regime. As such, the Alfresco Dining and Drinking Policy 2020 was reviewed and refreshed by officers, amended and brought to this Committee on 23 July 2024.

It was resolved by members that the Policy should go out to consultation for a period of 4 weeks to be considered and commented on, by responsible authorities and the public. The consultation ran from 16<sup>th</sup> September to 13<sup>th</sup> October 2024. A Public Consultation Analysis is attached as Appendix 3 and details the proposed outcomes to be approved by this Committee, and to be noted by the Licensing Committee.

## **Recommendation(s)**

Members are asked to:

- Note the report, and the changes made to the Alfresco Eating and Drinking Policy (Appendix 2) having considered the comments of Responsible Authorities.
- Agree the proposed changes, contained in the Consultation Analysis (Appendix 3).
- Approve the Alfresco Eating and Drinking Policy (Appendix 1).

## **Main Report**

### **Background**

1. The Business and Planning Act 2020 (“the Act”), was amended by the Levelling-up and Regeneration Act 2023 on the 31 March 2024. The Act made a number of amendments to the process, duration, fees, application consultation period, determination period, officer decisions and enforcement powers.
2. The Alfresco Eating and Drinking Policy 2024 (“the Policy”) was reviewed against the Government Pavement Licensing Guidance and Legislation. The Transport for London Pedestrian Comfort Guidance was also considered, to ensure the Square Mile is both inclusive and accessible to all.
3. At the last Planning & Transportation Committee meeting, on 23 July 2024, it was resolved that the Policy Documents should be consulted on with the public and responsible authorities for a period of 4 weeks, with the result of that consultation brought back to this meeting. It was further resolved that the Licensing Service explores the option of establishing a new Sub-committee consisting of Members drawn from this Committee and the Licensing Committee, with the purpose of hearing any appeals made by applicants against officer decisions to partly grant or reject pavement licence applications, and to bring a proposal to the next meeting of this Committee.

4. The public consultation was carried out from 16 September 2024 to 13 October 2024. Responsible authorities were invited by email to review the Policy and make comment, or recommendations. The public consultation was held on the Commonplace platform and the results are set out in this report.
5. Officers have commenced work on exploring the options of establishing a new sub-committee to hear appeals against officer decisions. This work is still ongoing, and a report will be brought back to this Committee at a later date. In the meantime, appeals will continue to be heard by the Director of Port Health and Public Protection.

### **Current Position**

6. The proposed Alfresco Eating and Drinking Policy (“the Policy”) is attached at Appendix 1 and contains the proposed changes that resulted from the public consultation. Appendix 2 details all changes made, with reasoning, to the Policy since the Committee last reviewed the document.
7. A Consultation Analysis was carried out and is attached at Appendix 3. This document details the responses received from the public consultation, and the proposed outcomes from the consultation based on those responses.
8. An Equality Impact Analysis was completed to ensure that the City Corporation’s Public Sector Equality Duties are fulfilled with regards to this Policy, and this document is attached at Appendix 4.
9. The Committee may review the public consultation analysis and agree the changes that the document concludes. The proposed outcomes are evidenced by the responses received, and reasoning for them is included.

### **Proposals**

10. It is recommended that the proposed Policy be approved in its current format, to promote the objectives of the City Corporation’s Corporate Plan 2024-2029 and be presented to the Licensing Committee for information.

### **Corporate & Strategic Implications –**

Strategic implications – There are a number of Corporate Plan objectives that are achieved through the adoption of the Policy, namely:

- **Diverse Engaged Communities:** Pavement licensing can increase community engagement, by providing local businesses opportunities to create spaces that encourage social and economic diversity by attracting people from different backgrounds, to foster a sense of belonging and inclusivity to residents, visitors and workers in the Square Mile.
- **Dynamic Economic Growth:** Pavement licensing supports local business by encouraging them to thrive by expanding their operations and reaching new

customers; creating vibrant and inviting outdoor spaces that attract investors and businesses to the area stimulating economic growth.

- **Vibrant Thriving Destination:** Pavement licensing enhances public spaces and contributes to the creation of vibrant and welcoming cultural scenes, attracting visitors, residents and workers within the Square Mile seven days per week.
- **Providing Excellent Services:** The Policy provides a positive framework that supports local business in generating revenue but also provides clear boundaries to encourage good practice and support to businesses to achieve compliance and prevent enforcement action. Support can be provided from the initial point of interest, before an application has been submitted to provide excellent services to the businesses, residents and visitors of the Square Mile.

Financial implications – None.

Resource implications – None.

Legal implications – None.

Risk implications – None.

Equalities implications – An Equality Impact Assessment has been carried out, and a positive impact on protected groups has been indicated.

Climate implications – None.

Security implications – None.

## Conclusion

11. The Alfresco Eating and Drinking Policy is a crucial tool for the City Corporation to manage and regulate the use of outdoor spaces by businesses for the consumption of food and drink. Our policy helps to balance the needs of businesses, residents, and visitors, ensuring that the public realm is safe, accessible, and enjoyable for all.
12. The policy allows us to promote economic growth by allowing businesses to expand their operations and attract customers, whilst enhancing public spaces ensuring these activities are carried out in a way that complements the character and appearance of the area.
13. Furthermore, the Policy allows the City Corporation to manage public safety through the issuance of pavement licences by setting standards for the design, layout, and operation of licensed outdoor areas to minimize risks to the public.
14. The Policy also allows us to address our communities' concerns, by considering the impact of the activities on residents and visitors, including noise levels, waste management and accessibility, ensuring inclusive and thriving outdoor spaces in the Square Mile to support the delivery of the City's Corporate Plan 2024-2029.

## Appendices

- Appendix 1 – Alfresco Eating & Drinking Policy 2024
- Appendix 2 – Consultation Analysis



- Appendix 3 – Summary of Changes
- Appendix 4 – Equality Impact Assessment

## **Background Papers**

- [Business and Planning Act 2020 as amended by Levelling Up and Regeneration Act 2023: Permanent pavement licence regime.](#) – 23 July 2024
- [Ministry of Housing, Communities and Local Government and Department for Levelling Up, Housing and Communities Pavement Licensing Guidance](#) – 02 April 2024
- [Transport for London's Pedestrian Comfort Guidance for London, Version 2](#) – 2019

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# City of London

## Alfresco Eating and Drinking Policy

Pavement Licensing

Business and Planning Act 2020

November 2024



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## **Foreword**

“As the City becomes a 7-day destination, I am delighted that we are able to develop this policy to create new, inclusive al-fresco dining spaces that work well for everyone. The vibrancy of outdoor dining on City streets is welcome, balanced with social spaces that continue to be safe and accessible for all workers, residents and visitors to the City. We offer continued support for a thriving City, that is a world-class centre for business”

Shravan Joshi, Chairman of Planning and Transportation Committee

“A world-class hospitality offering is a fundamental element of the Square Mile. It is why people enjoy working and visiting the Square Mile and underpins it as a place to be. Outdoor dining is playing a leading role in the City’s vibrant offer, the City Corporation has been supportive wherever we can to facilitate hospitality spaces to meet and connect”

James Tumbridge, Chairman of Licensing Committee

## 1. Introduction

- 1.1. The City of London Corporation (the City Corporation) is the governing body of the Square Mile, which has a global status as a financial powerhouse and is home to a world-leading business district. It also has a vibrant and thriving hospitality offer, with a range of outstanding restaurants, cafes, hotels, pubs, and bars, and an unrivalled history and heritage with a plethora of national cultural landmarks and icons.
- 1.2. Through its Corporate Plan 2024-2029, the City Corporation is dedicated to delivering its licensing service within the context of the '*Vibrant Thriving Destination*' and '*Flourishing Public Spaces*' outcomes, attracting businesses and people to safe, secure, and dynamic locations. It has committed to using its planning and licensing powers to create new, inclusive public spaces that are welcoming for all, and provide a leisure offer where everyone prospers.
- 1.3. The City Corporation's Destination City Programme sets out a vision for the Square Mile to become a world-leading leisure destination for UK and global visitors, workers, and residents to enjoy. The programme proposes radical changes to the Square Mile's streets, with wider pavements, al-fresco dining, and first-class infrastructure for pedestrians and cyclists.
- 1.4. The City Corporation's Transport Strategy sets out how the City's streets will be designed and managed to prioritise the needs of people walking and deliver a public realm that inspires and delights, ensuring streets are accessible to all and provide an attractive space for the City's diverse community to come together.
- 1.5. Outdoor dining is a key feature to the economic growth of the hospitality sector and the City of London has seen an increased demand for outside space by businesses wanting to place tables, chairs, and other furniture associated with the sale and consumption of food and drink, on the highway to attract customers and boost trade. The City Corporation recognises the positive contribution and vibrancy that outdoor hospitality brings to its streets, creating attractive and successful places for people to socialise in.
- 1.6. This policy statement sets out the framework within which the City Corporation will consider the grant of pavement licences under the provisions of the Business and Planning Act 2020.
- 1.7. Through this policy, which has regard to the Public Sector Equality Duty under the Equality Act 2010, the City Corporation seeks to balance the need to support businesses in optimising the use of external space with that of:
  - a) providing safe, accessible, inclusive, and comfortable spaces for pedestrians
  - b) addressing the needs of those with disabilities, or those, for example, with children in pushchairs
  - c) ensuring that no noise from use of external areas causes a public nuisance to persons living or working in the area.

## 2. Legal Background

- 2.1. Part 1 of the Business and Planning Act 2020 (the Act), sets out the provisions that enable businesses to obtain permission, in the form of a pavement licence, to place removable furniture such as tables and chairs on the pavement adjacent to their premises, for the purposes of selling, serving, and permitting the consumption of food or drink, supplied from, or in connection with the use of the premises.
- 2.2. In exercising its functions under Part 1 of the Act, the City Corporation must have regard to guidance issued by the Secretary of State, and this policy aligns with the Government's published guidance on pavement licences.

## 3. Scope for pavement licensing in the City of London

- 3.1. **City Streets:** With a unique street layout, often comprising of narrow lanes following their original medieval design, surrounded by large high-rise buildings and with high volumes of pedestrians, the Square Mile faces many challenges which are not present in other areas of London.
- 3.2. **Footfall:** The City of London has a high footfall level of circa 500,000 workers daily, so it is important to maintain an accessible and safe pedestrian comfort level for the public.
- 3.3. When considering whether to issue a pavement licence, the City Corporation will have regard to the following principles:
  - a) **Accessibility:**
    - the width of the highway and the needs of disabled people
    - suitable access to all members of the public using the highway, e.g. the visually impaired, or those using wheelchairs, mobility scooters, and pushchairs.
    - any need for barriers to separate furniture from the rest of the footway so that the visually impaired can navigate around furniture.
    - any conflict of street furniture with the principal lines of pedestrian movement particularly for disabled people, older people, and those with mobility needs.
    - the volume of pedestrian footfall especially at peak times
    - the presence of existing street furniture
  - b) **Public safety:**
    - the proximity and nature of any road junctions and pedestrian crossings
    - any counter terrorism mitigations
    - the potential for localised overcrowding of the highway
    - the risk of people stepping into the carriageway

- the number of other permissions issued for areas in or near the proposed permitted area.
- c) **Public amenity:**
- protecting the character of historic areas and buildings
  - the location of schools
  - the location of any new or existing public seating or spaces nearby.
- d) **Public nuisance**
- the potential to create nuisance to neighbouring occupiers through noise, anti-social behaviour, or litter.
- e) **Public Highway**
- any temporary or permanent changes to the existing street layout as a result of public realm / highways works.

#### 3.4. **Pedestrian comfort level and unobstructed footway width:**

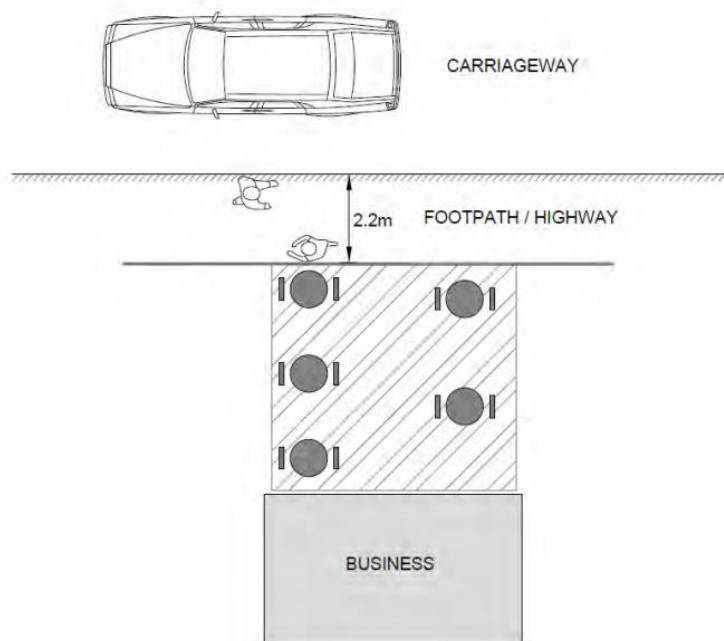
- a) As a guide, the City Corporation recommends that a minimum width of 2.2 metres should be maintained on all footways for pedestrian use. This means that where a business occupies pavement space with furniture, there must be a minimum of 2.2 metres of unobstructed space between the edge of the furniture and the edge of the pavement or to the edge of another obstruction (e.g. bike rack).
- b) In exceptional circumstances, a pavement licence may be considered where there is less than 2.2m of unobstructed highway but it will be for the applicant to justify why the City Corporation should depart from its policy, considering the standards set out in subparagraphs (c) and (d) below, to ensure sufficient space for the safe, accessible, and comfortable movement of people. Each application will be determined on its own merits.
- c) In determining accessibility, the City Corporation will apply the standards recommended in the [Department for Transport Inclusive Mobility guide](#).
- d) In determining comfort levels, the City Corporation will apply the minimum level of B+ as recommended in [Transport for London's Pedestrian Comfort Guidance](#) and incorporated in the City of London Transport Strategy. This provides enough space for people to feel comfortable when walking at a typical pace and for them to be able to choose where to walk. Below this level, conflicts between people walking become frequent, walking is increasingly uncomfortable and frustrating and can lead to people stepping into the carriageway.
- e) In some areas where footfall is generally higher, for example around London Underground and National Railway station entry/exit points, an unobstructed footway of more than 2.2 metres may be required, or licences might be time-limited to avoid busy times. This is to prevent



footways from becoming congested. Each application will be considered on it's own merits.

- f) Where a pavement licence has been granted with a minimum 2.2 metre of unobstructed footway and there is evidence of congestion on that footway to the detriment of pedestrian safety or comfort, the City Corporation may require that some or all the furniture is removed from the pavement to facilitate the safe and comfortable flow of pedestrians.

3.5. Many City streets are too narrow to accommodate pavement licences whilst meeting the minimum restrictions set out in paragraph 3.4 above. Unless exceptional circumstances apply, applications should only be made in respect of City streets which are wide enough to accommodate furniture and maintain a minimum of 2.2 metre width for pedestrians passing in either direction. This illustration sets out the City Corporation's requirements:



- 3.6. **Licensing Hours:** The City Corporation will generally only consider applications for pavement licences between the hours of 07:00 and 23:00. This is to minimise the potential for crime and disorder and public nuisance.
- 3.7. Where the proposed site is in close proximity to residential or other sensitive receptors, a later start or earlier end hour may be specified by the licensing authority.
- 3.8. If a request is made for a pavement licence outside the hours of 07:00 and 23:00, the applicant must provide a statement with their application setting out reasons why the City Corporation should deviate from this policy.

## 4. Definitions

### 4.1. Pavement licence:

A pavement licence is a licence granted by the City Corporation, or deemed to have been granted, which allows the licence-holder to place removable furniture on part of a relevant highway adjacent to the premises in relation to which the application was made. A licence permits the holder to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by persons for consumption of food or drink supplied from, or in connection with the use of the premises.

### 4.2. Eligible persons / businesses:

- a) A person (includes a body corporate) who uses or proposes to use any premises (a) as a public house, wine bar or other drinking establishment, or (b) for the sale of food or drink for consumption on or off the premises can apply for a licence. Eligible businesses include public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.
- b) Businesses that do not use their premises for the sale of food or drink, e.g. hair salons or opticians, are not eligible for a pavement licence.

### 4.3. Eligible locations:

- a) Licences can only be granted in respect of highways listed in Part 7A of the Highways Act 1980. Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. In the City of London this includes the footpaths, certain carriageways, and city walkways<sup>1</sup>.

<sup>1</sup> City Walkway can sometimes refer to private land maintained by the City Corporation through legal agreement. In such cases the applicant will need to provide written consent from the landowner and/or occupier before a licence can be granted.

- b) Highways maintained by Network Rail or over the Crown land are exempt so a licence cannot be granted.
- c) A pavement licence will not be considered on a live road or carriageway to which vehicles have access. There may be potential to time restrict vehicular access and/or fully pedestrianise roads through a Traffic Management Order under the Road Traffic Regulations Act 1984, and such order would need to be sought and issued in advance of a pavement licence application.

### 4.4. Furniture: Furniture that may be used includes:

- a) counters or stalls for selling or serving food or drink;
- b) tables, counters or shelves on which food or drink can be placed;
- c) chairs, benches<sup>1</sup> or other forms of seating that meet accessibility standards;

- d) umbrellas, planters, barriers<sup>2</sup>, heaters<sup>3</sup> and other articles used in connection with the outdoor consumption of food or drink;

<sup>1</sup> **Benches** generally do not meet accessibility standards and permission for these will likely not be granted by the City Corporation.

<sup>2</sup> **Barriers** - it is the City Corporation's policy not to permit poles and barriers as they provide additional obstructions in our narrow streets. However, in exceptional circumstances, some barriers may be considered where they assist in containing customers within the authorised area or they provide visual or fully rated mitigation from vehicle attack.

**Barriers must not contain any advertising material.**

<sup>3</sup> **Heaters** - in order to support the hospitality sector during the winter months, the City Corporation will allow patio heaters. For environmental reasons, it is preferable to use zero / low carbon emitting electric heaters although gas heaters will be permitted if there is no easy electric supply to the pavement licensed area. Where it is proposed to use patio heaters, a risk assessment must be submitted with the application.

- 4.5. The furniture must be removable, which in principle means it is not a permanent fixed structure, is able to be moved easily and stored away at night.
- 4.6. Businesses that wish to place non-removable/fixed furniture on the highway must apply for permission under the Highways Act 1980.
- 4.7. Advertising boards or (A Boards) are not included in the definition of furniture within the pavement licence regime.

## 5. Other regulatory consents

- a) **Sale of alcohol:** Where a business has a premises licence to sell alcohol under the Licensing Act 2003, the sale of alcohol does not automatically extend to the external area covered by a pavement licence. If a business wants to sell alcohol in the pavement licence area, they must apply to vary their premises licence to permit this.
- b) **Food registration:** food businesses must have a food premises registration with the City Corporation.
- c) **Planning Permission:** A pavement licence when granted, or deemed to be granted, benefits the licence holder with deemed planning permission to use the land for anything done pursuant to the licence whilst the licence is valid.
- d) **Street Trading:** Anything done by the licence holder under the terms of a pavement licence will not be street trading for the purpose of the City of London (Various Powers) Act 1987 as amended by the City of London (Various Powers) Act 2013.
- e) **Public Sector Equality Duty:** Any business that applies for a pavement licence will also need to have regard to their duties under the Equality Act

2010, such as their duty under section 29 of the Act not to discriminate in providing their service and the duty to make reasonable adjustments.

## 6. Application process

### **First time licence grants and all applications made by existing licence holders (with the exception of renewals<sup>1</sup>)**

6.1. An application is considered to be a first-time licence grant if it is made by:

- a) a person or company who does not already hold a licence, or
- b) the application is in respect of premises for which the applicant does not hold an existing licence<sup>2</sup>.

6.2. An application is considered to be made by a person or company who already holds a pavement licence if:

- a) it is in respect of premises to which an existing licence relates, and
- b) the licence holder is seeking a separate/second licence for an area not already covered by the existing licence, or
- c) the licence holder is seeking to amend the terms and conditions<sup>3</sup> of the licence either at the point of renewal or at any time during the duration of the licence.

<sup>1</sup> there is a separate, streamlined renewals process for existing licence holders seeking to renew their pavement licence on the same terms and conditions as before (paragraphs 6.4 – 6.6 below)

<sup>2</sup> there is no power within the Act to transfer a pavement licence. If the business is sold, the new owner must apply for a new licence grant.

<sup>3</sup> there is no power within the Act to vary a pavement licence. If an existing licence holder wishes to amend the terms and conditions of their licence, this must be made as an application for a new licence but will be subject to the fee applicable to an existing licence holder.

6.3. The following information must be provided as part of the application:

- a) Applicant details including name and address. The date of the application is auto generated by City Corporation's pavement licensing portal.
- b) Business premises details including trading name, address, and purpose for which the furniture will be used.
- c) Details of the relevant highway area to be used by the business.
- d) Where the land is City Walkway, evidence that the applicant has permission of the owner. Where evidence is unclear the applicants may be required to provide further evidence including, but not limited to, the land registry title.
- e) A location plan of the premises with the proposed area of highway to be used shown by a red line, so the application site can be clearly identified,

together with:

- The positions and number of proposed tables and chairs, together with any other furniture to be placed on the highway.
  - The plan does not have to be to scale but it must include clear measurements of, for example, furniture, pathway width/length, building width and any other fixed item in the proposed area. **See illustration in paragraph 3.5 above.**
  - Fire exits of premises as well as those of neighbouring properties if affected by the area of highway to be used.
- f) Description of and photos or brochure images showing the proposed type of furniture and information on potential siting of it within the area applied. **All furniture should be non-reflective and of reasonable substance such that it cannot easily be pushed or blown over by the wind, and thereby cause obstruction.**
- g) Proposed days and hours of highway use for the placing of furniture
- h) Evidence that the applicant has met the requirement to give notice of the application (for example photographs of the notice outside the premises and of the notice itself);
- i) A declaration that the applicant has a current certificate of public liability insurance against the insured's legal liability for death of or bodily injury to or disease contracted by a third party and/or loss of or damage to a third party properly arising out of or in the course of or in connection with the carrying out of the insured's business at the application premises and pavement licence site:
- Inclusion of an indemnity to Principals Clause operative at the request of the insured.
  - A minimum limited of indemnity for any one occurrence of £5,000,000.00

### **Renewal applications**

6.4. An application is considered to be a renewal application if:

- a) it is made by the existing licence holder, and
- b) it is in respect of premises to which the existing licence relates, and
- c) it is made before the expiration of the existing licence, and
- d) it is for the licence to begin on the expiry of the existing licence and on the same terms.

6.5. The following information must be provided as part of the application:

- a) applicant details including name and address.
- b) business premises details including trading name and address.

- c) the licence number of their existing licence
  - d) a declaration that they are applying to renew the licence on the terms as existing.
  - e) a declaration that their certificate of public liability insurance is still valid and provide the certification number.
- 6.6. There is no deemed continuation of a pavement licence beyond its expiry date. Licence holders should therefore apply to renew their licences at least 28 days in advance of the expiry of their existing licence to ensure there is no unlicensed period when furniture can't be placed on the highway.
- 6.7. If a licence holder fails to apply to renew their licence before the expiry date of the existing licence, they must apply for a new licence.

### **All applications**

- 6.8. All applications must be made to the City Corporation using our online platform at [www.cityoflondon.gov.uk](http://www.cityoflondon.gov.uk).
- 6.9. An application will only be deemed valid when submitted in the correct manner as set out above, with all sections of the form completed and it is submitted with all required documents and the statutory fee. If the supporting material is incomplete, the statutory timelines will not commence until the application is deemed valid by the licensing authority.

### **Change of circumstances**

- 6.10. If a licence holder's name or address changes, e.g. company change of registered office address, this does not require an application to be submitted, but it should be notified to the City Corporation by way of email at [licensing@cityoflondon.gov.uk](mailto:licensing@cityoflondon.gov.uk) so that the licence document can be updated.

## **7. Application Fees**

- 7.1. **First time licence grants** (as defined in paragraph 6.1 above):

The application fee is £500.

- 7.2. **Applications made by existing licence holders in respect of premises to which that licence relates** (as defined in paragraph 6.2 above):

The application fee is £350.

- 7.3. **Renewal applications** (as defined in paragraph 6.4 above):

The application fee is £350.

## 8. Consultation

- 8.1. The applicant is encouraged to talk to neighboring businesses and occupiers prior to applying to the local authority, and to take any issues around noise, and nuisance into consideration as part of the proposal.
- 8.2. A public consultation period of 14 days will commence the day after a **valid application** is made to the City Corporation. Bank holidays, Christmas day and Good Friday will not be counted as part of the 14 days.
- 8.3. The City Corporation will publish the application on its website during the 14-day consultation period. The last date for representations will be made clear and representations will not be accepted after this date.
- 8.4. The applicant must fix a notice of the application to the premises so that it is readily visible and can be read easily by members of the public for the duration of the 14-day consultation period. A template is attached as Appendix C. **The applicant must email the City Corporation evidence that the notice has been fixed.**
- 8.5. In addition to the statutory consultation with the Highways Authority (where the authority is not the City Corporation), the following will also be consulted:  
  
City of London Police  
City of London Counter Terrorism Security Advisors  
Pollution Control Team  
Commercial Environmental Health Team  
Access Team  
City Surveyors  
Street Environment Team  
Planning & Transportation Team  
Other agencies as required by the individual merits of an application.
- 8.6. Applications will also be added to the licensing application bulletin email for wider distribution.
- 8.7. During the consultation period, representations relating to the application may be made by any person or interested party. The City Corporation must consider any representations received during the public consultation period when determining the application.

## 9. Determining the application

- 9.1. A site assessment may be carried out by an authorised officer to ensure that no obstruction to the highway would be caused by licensing the proposed site. The site assessment will take into consideration some or all of the principles and criteria set out in paragraph 3, and the conditions set out in paragraph 11.

- 9.2. Any representations made during the consultation period will be taken into consideration. Representations that do not relate directly to the granting of a pavement licence may be given less or no weight when determining an application. Representations received outside the consultation period will be disregarded.
- 9.3. The City Corporation may
- a) grant the licence in respect of any or all of the purposes specified in the application,
  - b) grant the licence for some or all of the part of the highway specified in the application, or
  - c) reject the application.

Any licence granted will be subject to the City Corporation's published standard conditions.

- 9.4. The City Corporation must determine an application within a 14-day determination period. Decisions will be communicated to the applicant by way of email before the determination period ends. Where an application is partly granted or rejected, reasons will be set out in the decision letter.
- 9.5. If the City Corporation does not determine an application by the end of the 14-day determination period, the licence is deemed to be granted by the City Corporation.
- 9.6. A person may apply for further pavement licences in respect of the same premises, provided that the determination period for any previous application made has ended.
- 9.7. A licence holder may surrender a pavement licence at any time by email notification to the City Corporation at [licensing@cityoflondon.gov.uk](mailto:licensing@cityoflondon.gov.uk) . If a fee has been paid for the licence, there will be no refund of the fee where a licence is surrendered.
- 9.8. The City Corporation will reject a pavement licence where the site is deemed unsuitable or unsafe having applied the criteria set out in paragraph 3, the conditions in paragraph 11 cannot be met, or if representations are made which raise issues that cannot be mitigated by way of conditions. If a fee has been paid, it will not be refunded where an application is rejected.
- 9.9. There is no statutory right of appeal against a decision to partly grant or reject an application. If an applicant is aggrieved by the Licensing Service determination of their pavement licence application, or they consider there to be exceptional circumstances to justify a departure from this Policy, they can request an internal review of the decision. Such requests should be sent to the Licensing Service at [licensing@cityoflondon.gov.uk](mailto:licensing@cityoflondon.gov.uk) setting out clear reasons for the review. The Licensing Service will arrange for the review to be



considered within 20 working days of the request. The applicant may be requested to provide additional information to assist their case.

## 10. Duration of licence

- 10.1. New pavement licences will usually be granted for a period of 12 months, commencing the day after the last date for determination, unless a shorter period is specified on the application.
- 10.2. Where there are plans for future changes in the use of road space, or other good reasons are identified during the consultation process, a licence may be granted for a shorter period of time. In such circumstances, the duration of licence will be determined on the individual merits of the application.
- 10.3. If the City Corporation fails to determine an application for a new licence before the last date for determination, the licence will be deemed granted for a period of 24 months, commencing the day after the last date for determination.
- 10.4. Renewal licences will be issued for a period of 12 months commencing the day after the expiry of their existing licence.

## 11. Conditions

- 11.1. All conditions set out in this section will apply to any pavement licence granted or deemed to have been granted by the City Corporation.
- 11.2. **City of London Standard Conditions:** The City Corporation's standard conditions applicable to all pavement licences granted or deemed granted are attached as Appendix A.
- 11.3. **Default Conditions as set out Section 5(4) and 5(6) of the Act:** The default 'no obstruction' and 'smoke-free seating' condition is set out in Appendix B.
- 11.4. **National Conditions as provided by the Secretary of State:** The Secretary of State, in exercise of his powers under [clause 5(8)] of the Act, may make provisions for national conditions by way of regulation.
- 11.5. The City Corporation may impose additional conditions to a pavement licence as it considers reasonable and appropriate to a particular case, with the exception of licences deemed to be granted which are subject only to conditions published before the application was made.

## 12. Enforcement/Revocation of licence

- 12.1. If the licence-holder breaches any condition of a pavement licence the City Corporation may serve a notice on the licence holder requiring measures to be taken to remedy the breach as specified within the notice and within a

specified time scale. If the licence holder fails to comply with the notice, the City Corporation may:

- a) amend the licence with the consent of the licence holder.
- b) take the steps itself to remedy the breach and recover the costs of doing so from the licence holder.
- c) revoke the licence (whether or not a remediation notice has been issued)

12.2. The City Corporation may revoke the licence, or amend it with the licence holder's consent where:

- a) some or all of the part of the relevant highway has become unsuitable for any purpose in relation to which the licence was granted or deemed to be granted;
- b) there are risks to public health and safety or accessibility – for example, a significant security risk has come to light or where increased footfall in an area gives rise to congestion on the highway and the furniture is considered to be an obstruction to the safe, comfortable and accessible movement of pedestrians;
- c) there is anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated and litter is not being cleaned up;

12.3. The City Corporation may also revoke the licence if:

- a) the highway is being obstructed (other than by anything permitted by the licence);
- b) it comes to light that the applicant provided false or misleading statements in their application; or
- c) the licence holder did not comply with the requirement to affix the notice to notify the public for the relevant period.

12.4. If furniture is placed on the highway without the authorisation of a pavement licence, the City Corporation will give notice to the business requiring it to remove the furniture before a date specified and to refrain from putting furniture on the highway unless they gain a licence. If furniture continues to be placed on the highway, in violation of the notice, the City Corporation may remove and store the furniture, recover the costs from the business for the removal and storage of the furniture and refuse to return the furniture until those costs have been paid. If within 3 months of the notice, the costs are not paid, the authority can dispose of the furniture by sale or other means and retain the proceeds.

### **13. Counter Terrorism Advice**

13.1 Greater use of open spaces through alfresco eating and drinking may increase the public's vulnerability to a terrorist attack. The threat to the UK from terrorism is assessed by The Joint Terrorism Analysis Centre (JTAC), the UK's independent authority for all-source terrorism assessment. The current threat level should be taken into account when assessing pavement licence applications.

- 13.2 Each pavement licence application should follow the advice set out by the City of London Police (CoLP) Counter Terrorism Security Advisors (CTSA's). Failure to comply with this advice could result in a remediation notice being served on the licence holder, or the licence being revoked (if in the public interest to do so).
- 13.3 Where a licence is granted the licence holder will need to carefully consider the potential for any increase in the threat and vulnerability from terrorism, which could impact on the safety and security of staff, customers and members of the public. The safety and security of staff, customers and members of the public should be covered in the licence holder's counter terrorism risk assessment (sometimes referred to as a Threat and Vulnerability Risk Assessment), details of which are available via the advice set out by the CoLP CTSA. Licensees will be expected to comply with requirements 5 and 6 of Appendix D (CCTV systems and Action Counters Terrorism (ACT) training), as set out in the national guidance 'Counter Terrorism Protective Security Pavement Licence Conditions'. In addition to the national guidance, See, Check and Notify (SCaN) training is also advised. Failure to comply may result in a remedial notice being served on a licence holder or ultimately, revocation of the pavement licence.

#### **14. Managing outside eating and drinking**

- 14.1. Under the pavement licensing regime, more pubs, bars, restaurants and cafes in the City of London will take advantage of being able to serve customers outdoors. As a result, there is the potential for an increase in noise and anti-social behaviour. It is essential that licence holders have provisions in place to manage their outside drinking and eating areas to lessen the impact on neighbouring residents and other businesses.
- 14.2. Licence holders are responsible for managing their customers consuming food, alcohol or other beverages outside their premises. It is good practice to have a documented policy on managing outside eating and drinking to include but not limited to:
- a) **Noise from patrons:** Customers smoking, eating and drinking in outdoor areas including the public highway should be monitored by staff to prevent public nuisance. Licence holders should display prominent signs asking customer to be respectful of neighbouring property owners and to keep noise to a minimum.
  - b) **Obstruction:** Customers must not be allowed to obstruct the highway or the doorways of neighbouring residential, commercial or office premises. Customers queueing to enter premises must be managed to prevent any such obstruction. Customers must not be permitted to congregate on the carriageway causing obstruction to vehicular traffic. Pedestrians must have unobstructed access to the highway and should not be forced to step into the road to pass by.

- c) **Customer safety:** Licence holders may wish to use toughened or polycarbonate glass in outside areas. Staff should monitor outside areas and collect empty glassware regularly. Spillages and or broken glass must be swept away immediately.
- d) **Litter:** Outside areas should be monitored regularly by staff and any litter generated by customers including food wrappers and cigarette butts should be cleaned up regularly and at the end of each evening.
- e) **Theft of personal belongings:** With more customers using external areas, there is more potential for opportunist theft of personal belongings. Licence holders may wish to use chelsea hooks on external furniture, display external signage warning customers of the risk of bag thefts and pick-pocketing. Staff monitoring outside areas should be vigilant at all times and remind customers to look after their personal belongings.

## Appendix A

### City of London Pavement Licence Standard Conditions

These standard conditions are made pursuant to Section 5(2) of the Act. To the extent that these conditions do not prevent the obstructions specified in section 3(6) of the Act, a pavement licence is granted or deemed to be granted subject to the statutory no-obstruction and smoke-free seating condition.

The term 'furniture' used hereinafter means counters or stalls for selling or serving food or drink; tables, counters or shelves on which food or drink can be placed; chairs or other forms of seating; umbrellas, heaters and other articles such as parasols or planters used in connection with the outdoor consumption of food or drink.

1. This licence must be displayed in a prominent position during any period that furniture is placed on the highway.
2. This licence only permits the area of the highway (the authorised area) and the items of furniture specified on the licence to be used. All furniture is to remain within the authorised area whilst it is in use on the highway.
3. This licence does not imply an exclusive right to the designated area of public highway. The licence may be suspended where necessary to allow highway maintenance, any other necessary remedial work, and special events to take place. When given notice by an officer of the City Corporation or City of London Police, the licensee must remove all furniture from the authorised area during the dates/times specified in the notice. In addition, the licence holder must comply with any request to remove the furniture due to an emergency situation.
4. The furniture must be removed from the authorised area by the licence holder by 23:00 unless an earlier time is specified on the licence. The furniture must be stored off the highway every evening.
5. Furniture must not be placed in any position where it will obstruct a designated fire escape route from any building.
6. The authorised area must be supervised at all times whilst the licence is in use. The licence holder must ensure there are sufficient staff to supervise and control the authorised area to:
  - a. deter and prevent noise nuisance and/or antisocial behaviour
  - b. ensure that the area is kept clean, tidy and free of litter
  - c. ensure that the area is swept and/or gritted in order to prevent slipping in adverse weather conditions
  - d. ensure that food and drink is cleared from unoccupied tables as soon as possible

7. The licence holder must clean the authorised area regularly to prevent staining by anything done pursuant to the licence.
8. The licence holder shall be liable for any damage to the authorised area which the City Corporation considers reasonably attributable to anything done pursuant to the licence and shall reimburse the costs of the City Corporation or its Agents in repairing the same.
9. The licence holder shall be liable for and shall indemnify the City Corporation, their Servants and Agents against:-
  - a) any expense, liability, loss, claim or proceedings whatsoever arising under statute or at common law in respect of personal injury to or the death of any person whomsoever, and
  - b) any expense, liability, loss, claim or proceedings in respect of any injury, loss or damage whatsoever to any person whomsoever or to any property real or personal, arising from the use of the Public Footway for the permitted purpose.

Without limiting the obligation hereunder, the licensee will effect insurance against the matters referred to in this condition to the satisfaction of the Chamberlain of London and will produce to the Chamberlain the policies of insurance so effected and the current premium renewal receipts relative thereto at such times as the Chamberlain shall reasonably require.

10. No advertising material may be attached to, or form part of, any of the furniture.
11. No supplemental lighting may be used in connection with the furniture.

## **Appendix B**

### **Pavement Licence: Default No Obstruction Condition**

Anything done by the licence-holder pursuant to the licence, or any activity of other persons which is enabled by the licence, must not have one of the specified statutory effects debarring grant of the licence, namely the effect of:

- (a) preventing traffic, other than vehicular traffic, from
  - (i) entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
  - (ii) passing along the relevant highway, or
  - (iii) having normal access to premises adjoining the relevant highway,
- (b) preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
- (c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
- (d) preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.

### **Pavement Licence: Default Smoke-free Seating condition**

Where the furniture on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must make reasonable provision for seating where smoking is not permitted. This might include, but is not limited to:

- (a) Clear 'smoking' and 'non-smoking' areas, with 'no smoking' signage displayed in designated 'smoke-free' zones in accordance with Smoke-free (Signs) Regulations 2012
- (b) No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified.
- (c) Providing a minimum of 2m distance between non-smoking and smoking areas.

Appendix C

**PUBLIC NOTICE**

**Business and Planning Act 2020  
Application for a Pavement Licence**

I/We (*name of applicant*), \_\_\_\_\_

do hereby give notice that on (*date of application*) \_\_\_\_\_

have applied to the City Corporation for a 'Pavement Licence' at:

(*postal address of premises*)

known as (*trading name of premises*)

The application is for: (*brief description of application eg. outdoor seating to the front of the premises for serving food and drink*)

A copy of my application and associated documents including plan and details of furniture can be viewed on the City Corporation's website at [www.cityoflondon.gov.uk](http://www.cityoflondon.gov.uk). Any person wishing to make representations to this application may do so by email at: [licensing@cityoflondon.gov.uk](mailto:licensing@cityoflondon.gov.uk)

by: (*date*) \_\_\_\_\_

(*this must be 14 days from the date of the application not including bank holidays*)

Signed .....

Dated .....



## Appendix D

### Counter Terrorism Advice for Risk Assessment

As part of a counter terrorism risk assessment (in relation to use of outdoor public space for eating and drinking) the licence holder should consider the following:

1. The safe access/egress of staff and customers, and those within nearby premises. Allowances should be made for the rapid dispersal of people in the event of an emergency/incident. Tables, chairs and other furniture should NOT impede this.
2. If the premises becomes busy, creating a queue outside, this must not conflict with customers using the tables and chairs or the adjoining pedestrian footpath. There should be clear guidance provided by the staff to direct patrons away from the roadway(s) accordingly. All staff should be prepared for such an event.
3. Adequate street lighting should illuminate the deployment of tables and chairs.
4. The license holder should liaise with neighbouring properties so they can consider their evacuation procedures, helping to avoid any conflict, and to capitalise on any shared benefits.
5. The pavement license holder will need to ensure that existing CCTV systems are working correctly, are compliant with the Data Protection Act 1998, Information Commissioners requirements and any other local CCTV Code of Conduct produced by the Police or Local Authority. Imagery must be retained for at least 28 days and images produced to a Police Officer or Local Authority Enforcement Officer upon reasonable request. Faults which render the CCTV system or parts of it inoperable should normally be rectified within 24 hours.
6. The pavement licence holder will need to ensure that the management team of the business to which the pavement licence is attached register and successfully complete the nationally recognised counter terrorism training products (referred to as ACT and SCan e-Learning) within 10 days of the notification of the granting of the pavement license, OR can demonstrate that these e-Learning products have been successfully completed within the preceding 12 months, and that all staff employed by, OR at the premises complete these e-Learning products within a reasonable period, not exceeding 3 months from the notification of the granting of the pavement license. E-Learning certificates are provided on successful on-line completion. ACT E-learning can be accessed at the following:  
<https://ct.highfieldelearning.com/> and [scan.highfieldelearning.com](https://scan.highfieldelearning.com/). Further information on free training and awareness can be obtained via the CoLP CTSA on request ([CTSA@city-of-london.pnn.police.uk](mailto:CTSA@city-of-london.pnn.police.uk)).

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# CONSULTATION ANALYSIS

City of London Corporation  
Al Fresco Dining and Drinking Policy Review 2024

# 1. Consultation Background

The City of London Corporation carried out a public consultation on its draft AI Fresco Dining and Drinking Policy using the Commonplace platform. The Consultation ran from the 16<sup>th</sup> August 2024 to the 13<sup>th</sup> September 2024.

The Corporation directly invited by email the Elected Members of the City, resident groups and Responsible Authorities to make comment on the proposed policy by email.

# 2. Executive Summary

The consultation for the AI Fresco Dining and Drinking Policy Consultation provided clarification and confirmation of a number of policy points. Where possible, the proposed amendments to the policy have been made in line with the responses that were received; whilst being cognisant of the requisite requirements of the legislation, guidance and the unique ever developing landscapes that make up of the Square Mile.

As a result of the consultation, it is suggested that the policy document title remain the same but include a reference to Pavement Licensing as a sub-title. Due to how close the results to this question were, this suggestion would serve to placate both points of view.

Overwhelmingly, respondents indicated that they wished for the Corporation to provide pre-application advice. It is suggested that the Corporation provide this function to support businesses, but also to reduce costs to the Corporation in the mid-term and increase the efficiency of applications. At the point of an application's consultation, a substantial number of Officers will be consulted, consider and respond to the application. Where an application requires a response, the requirement in officer time is increased, and duplicated across multiple teams.

It is suggested that 2.2 meters clear pavement width remain the policy presumption. Responses to this indicated that respondents believed it to be an absolute minimum, although the policy is clear that this can be lowered where appropriate.

It is also suggested that the policy hours remain the same, as similarly, there is scope for an application to be granted outside of it where those hours would be a net positive to the locality and applicant.

It is further suggested that licence's continue to be granted for 12 months, owing to the ever changing landscape of the city. As areas develop, the licence may need to change; it is more cost efficient to both the applicant and the corporation to capture this at the point of renewal.

It is suggested that the Policy be amended to include the position on the provision of music, set out in legislation and our Statement of Licensing Policy; and to include the site-specific special consideration procedure used in the application consultation procedure.

It is also suggested that our enforcement procedure be outline within the Policy document, as the theme of enforcement was mentioned multiple times throughout the consultation responses.

### 3. Consultation Responses

Not every respondent answered every question. The questions asked in the consultation are listed and summarised below, with the respondent conclusion to the question listed and a rounded percentage figure to illustrate the bias for this conclusion.

The consultation portal page was visited 771 times; and received 219 contributions from 209 individual respondents.

#### Demographic of Respondents

As above, not every respondent answered every question. Some respondents also picked multiple categories. The full respondent demographic data is illustrated below the summary by charts.

#### Link to the area

Predominantly respondents to the consultation live in the area (37%) or work in the area (32%).

#### Gender

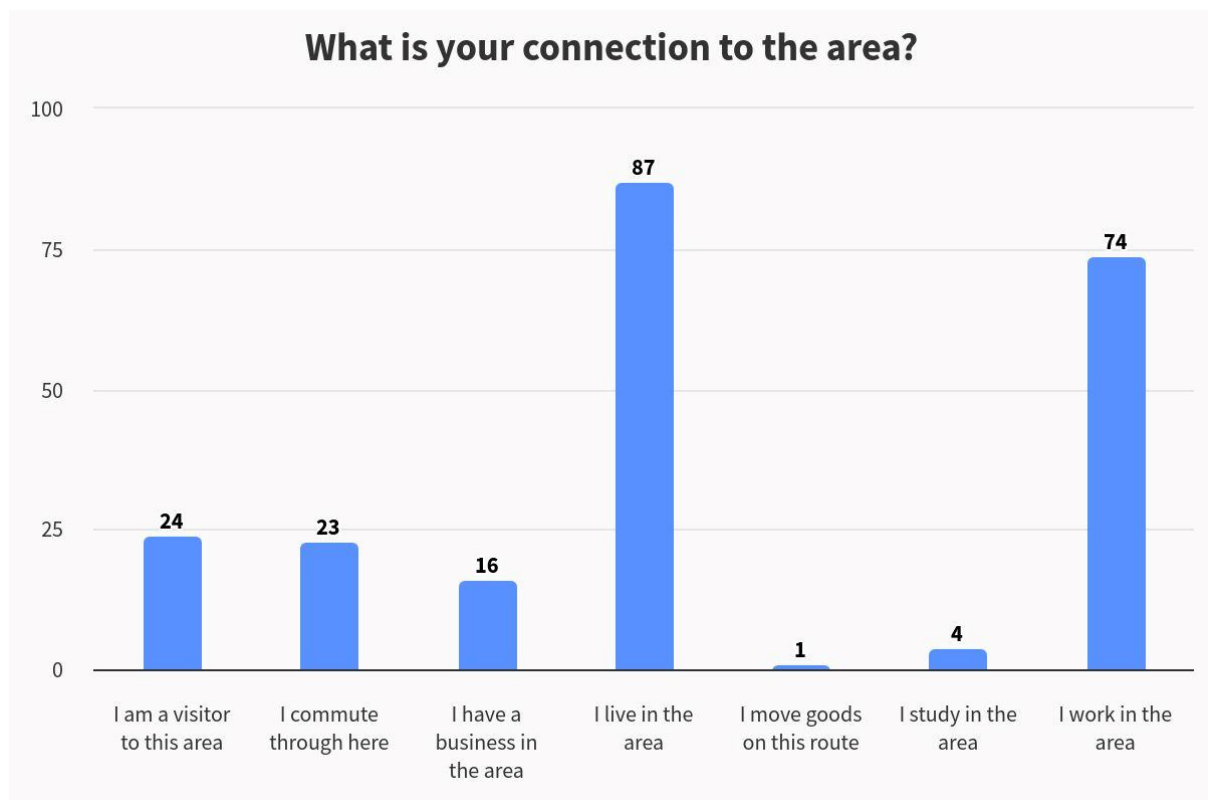
Predominantly respondents to the consultation self-identify as male (67%).

#### Employment Status

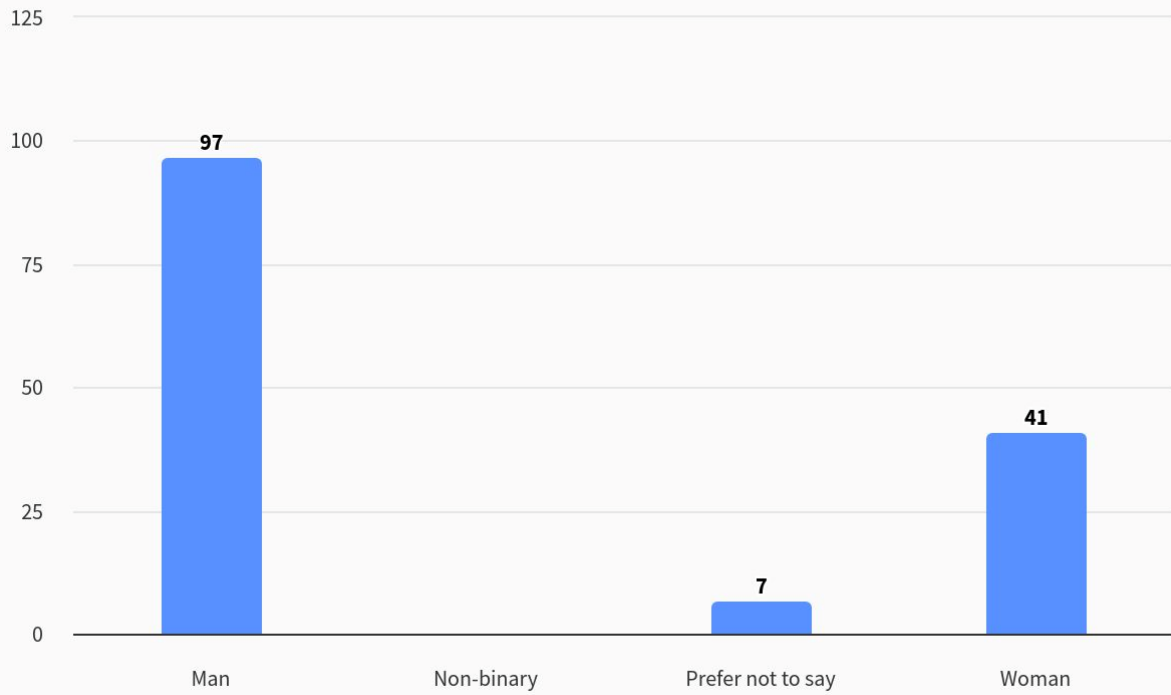
Predominantly respondents to the consultation work full time (53%).

#### Travel in the Area

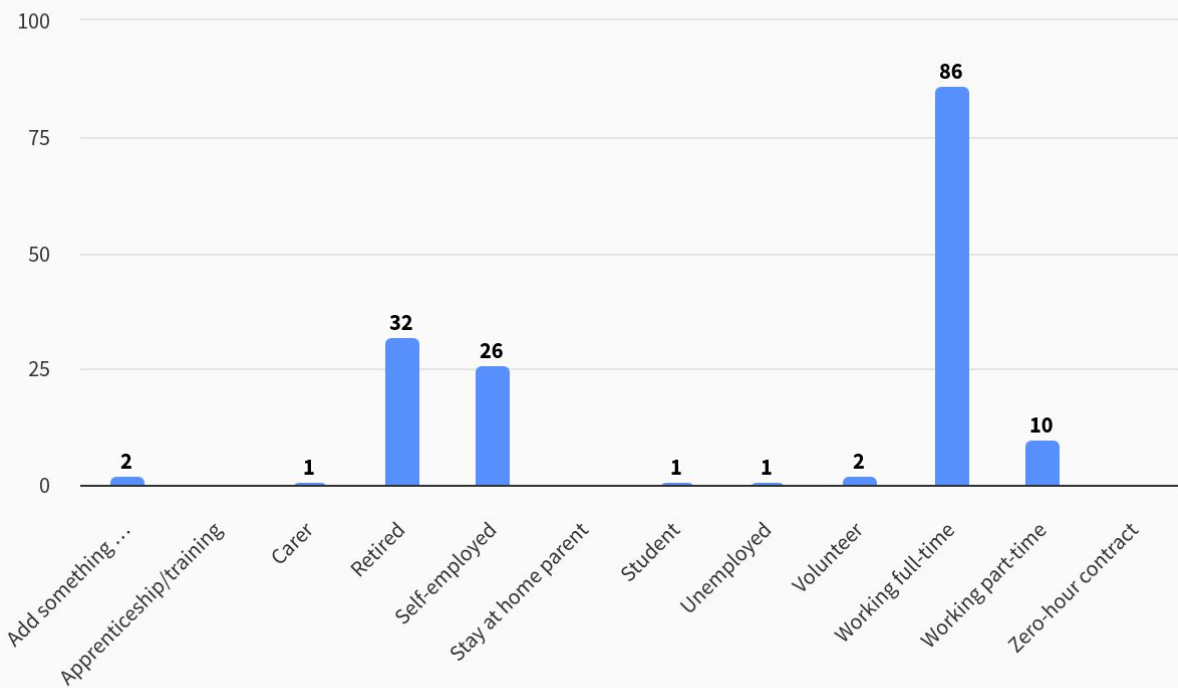
Predominantly respondents to the consultation walk through the area (38%).



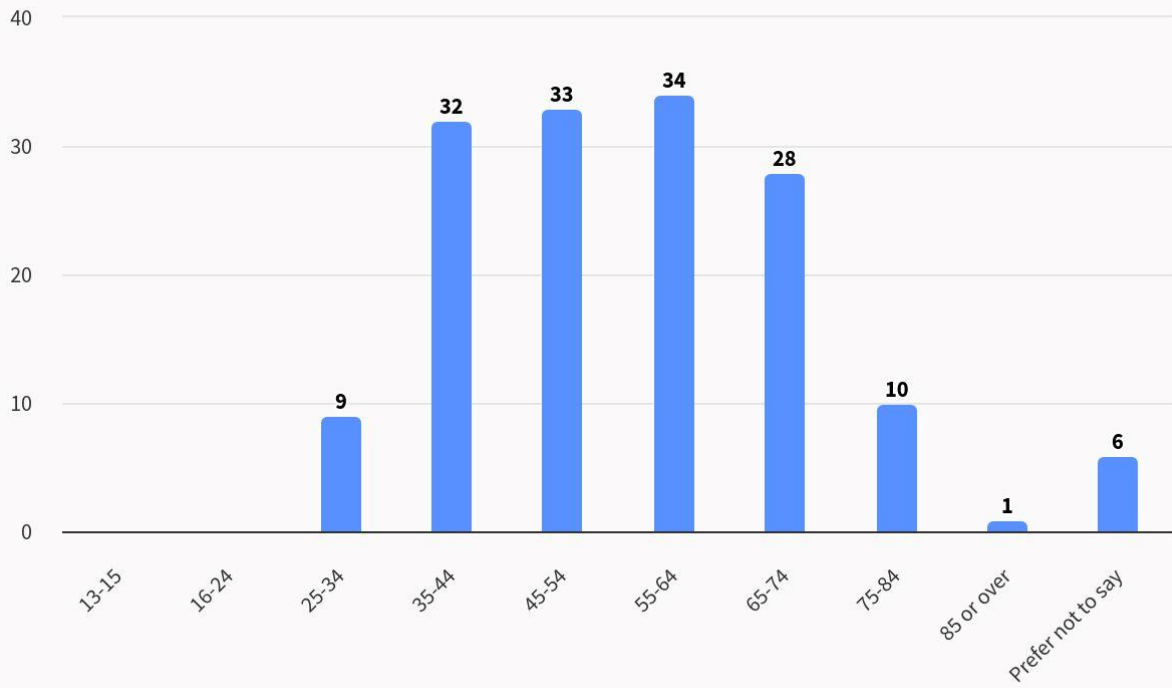
### What is your gender?



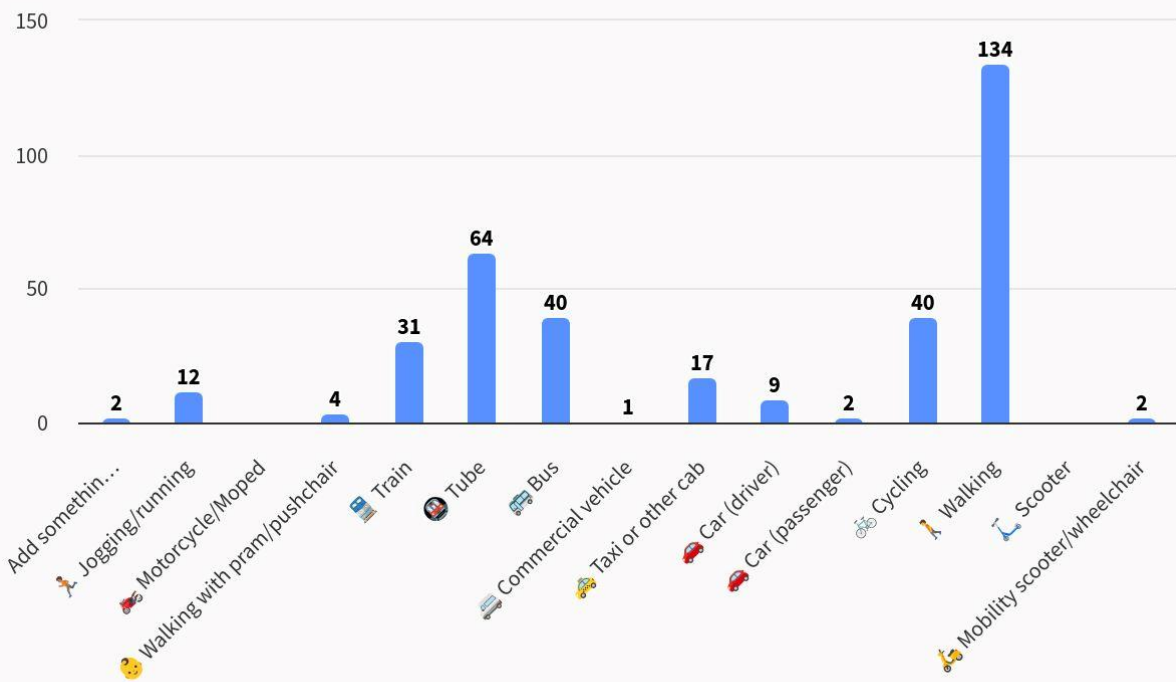
### What is your employment status?



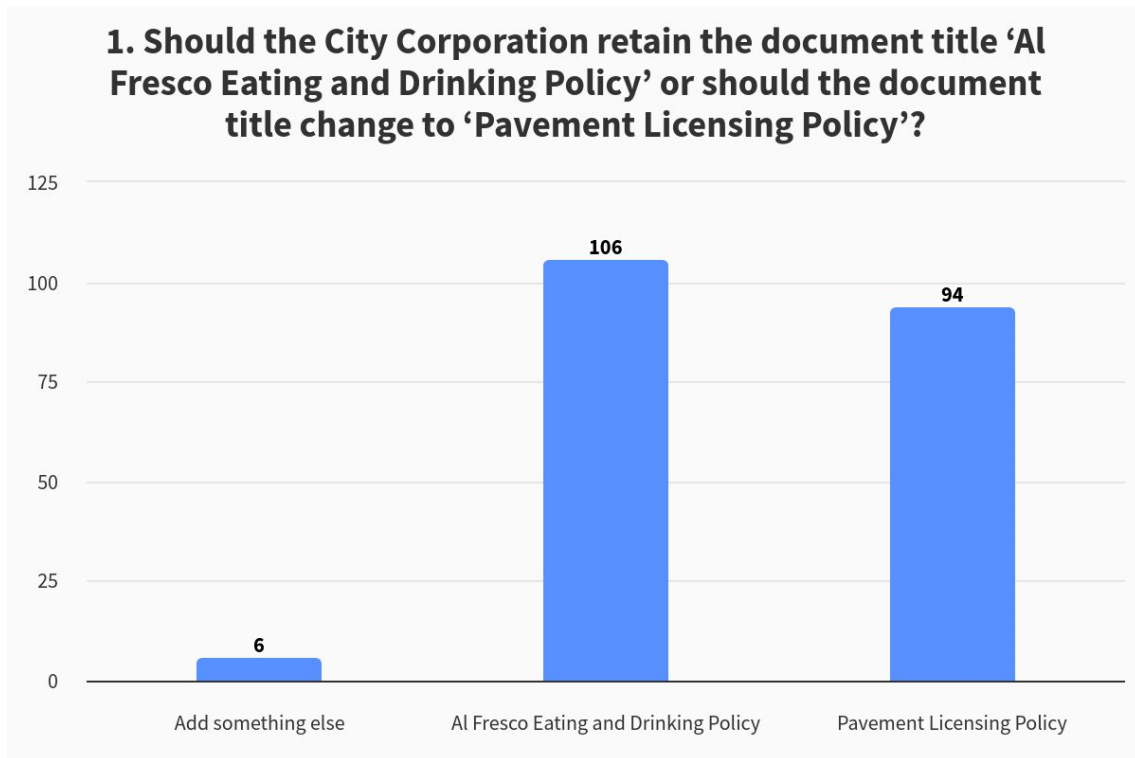
### What is your age group?



### How do you usually travel in or around the area?



## Question 1. Policy Document Title



52% of respondents want to keep the policy name the same, whilst 46% of respondents want to change the policy name to Pavement Licensing Policy. 3% of respondents want to change the policy name to something else.

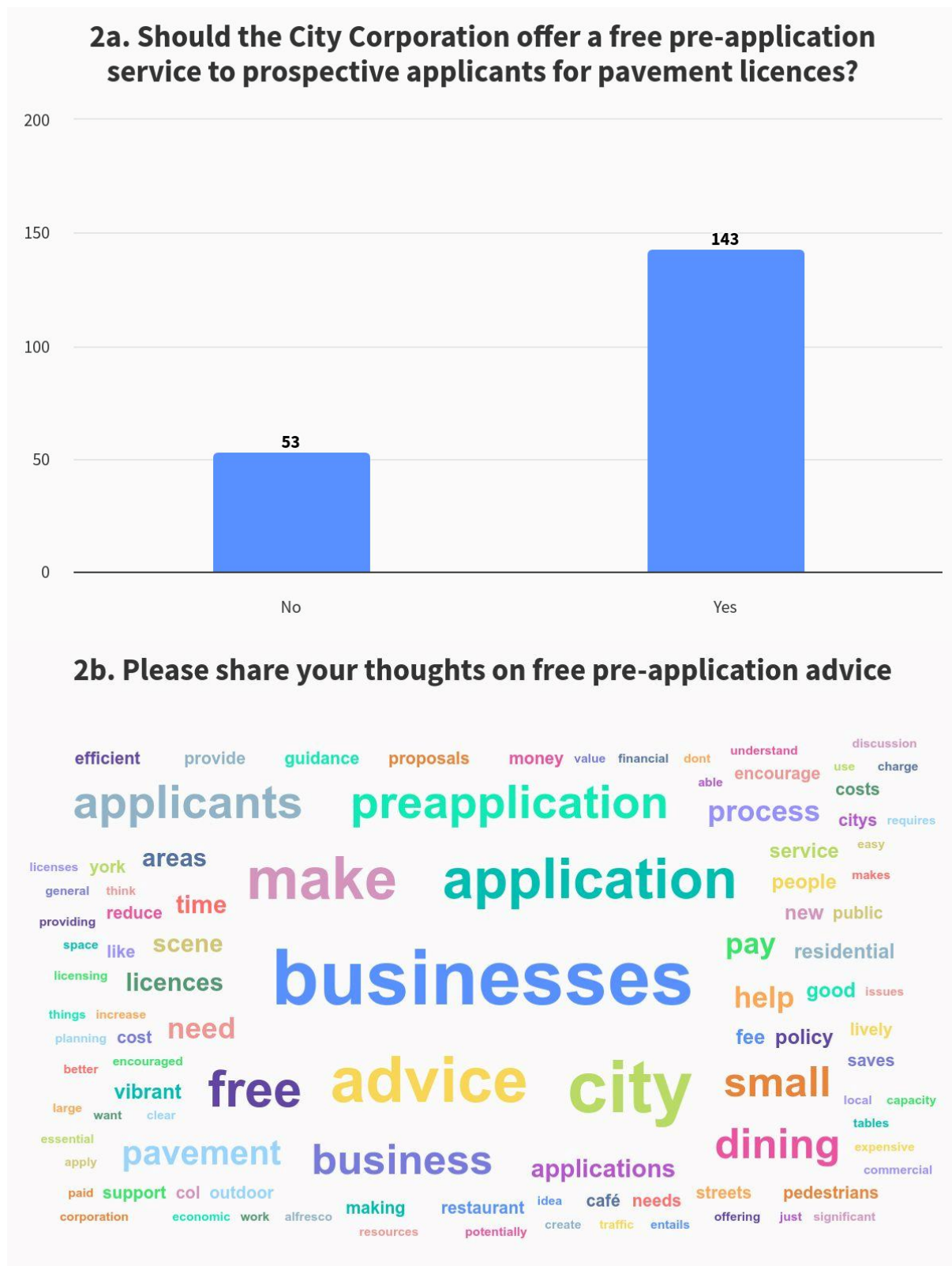
It is suggested that the document title should remain as the “Al Fresco Eating and Drinking Policy”; but that the front page of the document should also contain a subtitled reference to “Pavement Licensing”, as there were a significant number of responses that wanted the title to change.

### **Proposal**

It is suggested that the document title remain “Al Fresco Eating and Drinking Policy” with a subtitled reference “Pavement Licensing”.



## Question 2: Free Pre-Application Advice Service



73% of respondents want the corporation to offer free pre-application services, whilst 27% did not want the corporation to offer this service.

In general, those that wanted a free pre-application advice service indicated that they thought that:

- a. It would be positive for businesses from a cost and administrative perspective.
- b. It would be positive for businesses from a footfall and trade perspective.
- c. It would be positive for businesses by helping them understand and attain compliance prior to issuance.
- d. It would be positive for businesses by streamlining the application process, by ensuring issues are resolved before application.
- e. It would be positive for the City to ensure applications support policy objectives.

In general, those that did not want a free pre-application advice service indicated that they thought that:

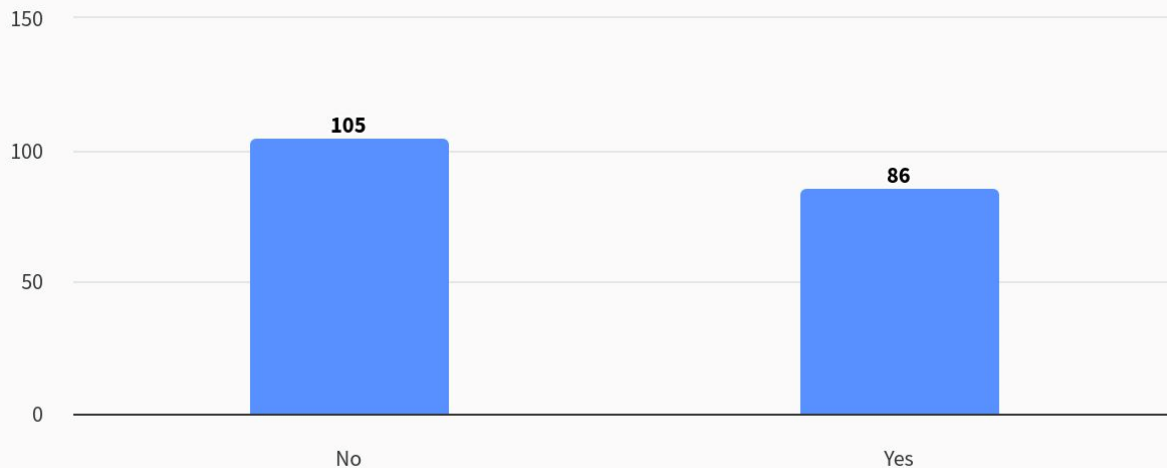
- a. The advice service should not be run at the cost of the Corporation.
- b. Businesses are using the licence to earn revenue, and as such a fee would be appropriate.
- c. Some indicated that the advice service should only be free for small businesses.
- d. The cost should be net-neutral and cost applicants the equivalent FTE cost of the staff assisting.
- e. The advice service was unnecessary.
- f. The rules were simple, and no advice service was necessary.

### **Proposal**

It is suggested that the Corporation should offer free pre-application advice to any prospective applicants.

### Question 3. Minimum Pavement Widths

**3a. Due to high footfall in the square mile, where a business seeks a pavement licence, the City Corporation has set a minimum width of 2.2 metres of public highway to be maintained for pedestrian use to ensure comfortable movement. Should the City Corporation set a different minimum width?**



**3b. Please share your thoughts on a minimum pavement width of 2.2m**



55% of respondents want the 2.2m minimum pavement width to remain; whilst 45% of respondents want a different minimum pavement width.

In general, those that wanted the 2.2m minimum pavement width to remain thought that:

- a. The 2.2m width is sufficient and adequate in most cases.
- b. The 2.2m width is a good compromise between passage and making use of space.
- c. This 2.2m width is sufficient, providing that it is being enforced.
- d. The 2.2m should be measured whilst the chairs are in use.

In general, those that wanted to increase the minimum pavement width thought that:

- a. The 2.2m width is unsuitable for safe access by disabled persons when accounting for other pavement users (including wheelchairs, scooters, bikes, buggies and pedestrians).
- b. The 2.2m width is unsuitable as in practice vulnerable pedestrians are forced to use the roadway when the pavement is busy.
- c. The width should be 2.5m or 3m unless the 2.2m is rigidly enforced.
- d. The width should be 3m to allow for obstructions, such as e-scooters or e-bikes that are left on the pavement.
- e. The width should be 3m.

In general, those that wanted to decrease the minimum pavement width thought that:

- a. The minimum width should be 1.5m.
- b. The minimum width should be 2m.
- c. The minimum width should be 1.8m like other local authorities.
- d. The minimum width should be 2m like other local authorities.

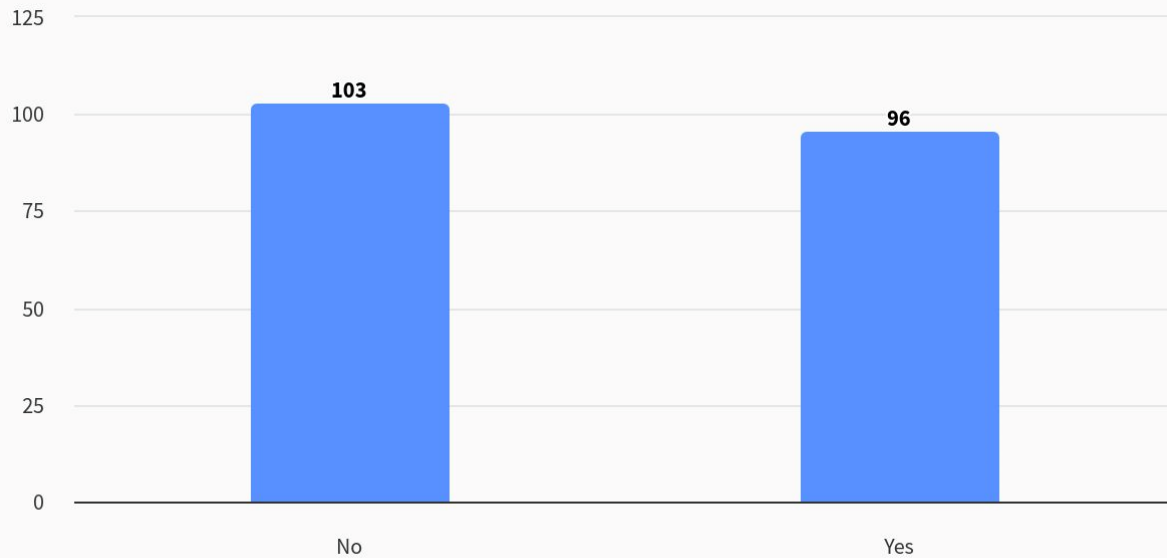
It was evident that a large number of respondents, who agreed and disagreed, thought that compliance with the 2.2m minimum was an issue.

### **Proposal**

**It is suggested that the minimum pavement width should remain 2.2m.**

## Question 4. Policy Hours

**4a. The City Corporation will generally only consider applications for pavement licences between the hours of 07:00 and 23:00. Should the City Corporation set different hours during which applications may be considered?**



**4b Please share your thoughts on the permitted hours for pavement licences**



52% of respondents want the policy hours to remain the same, whilst 48% of respondents want the policy hours to change.

In general, those that was the policy hours to remain the same thought that:

- a. The current hours are extensive.
- b. The current hours are sufficient.
- c. The current hours are reasonable.
- d. The current hours prevent unreasonable disturbance.

In general, those that wanted the policy hours to change and be increased thought that:

- a. Hours should be commensurate with a businesses opening hours.
- b. The City of London should be a 24 hour city.
- c. Hours should be extended to 6am to support breakfast offerings.

In general, those that wanted the policy hours to change and be decreased thought that:

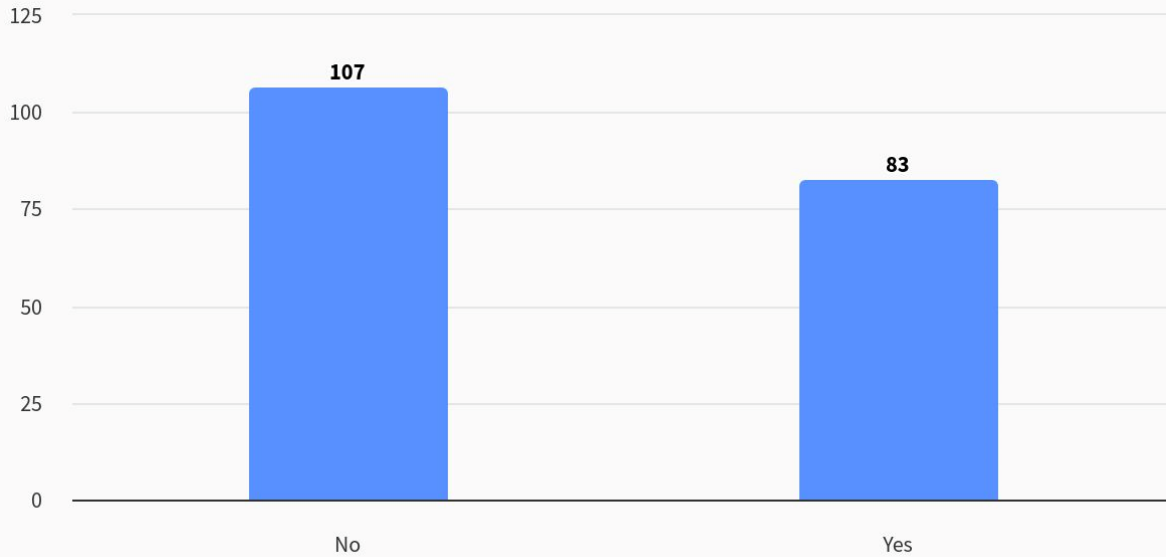
- a. The current policy hour start time of 7am is too early.
- b. The current hours mean that there is noise disturbance before and after due to the moving of furniture.
- c. The policy terminal hour should be 9pm or 10pm.
- d. The policy hours should be 8am to 10pm.
- e. There should be shorter hours for residential areas.
- f. Policy hours should be in line with construction timings.

### **Proposal**

**It is suggested that policy hours should remain the same.**

## Question 5. Licence Duration

**5a. A pavement licence may be issued for a period of up to 2 years. The City Corporation has set the duration of a pavement licence at 12 months. Should the City Corporation set a different licence duration?**



**5b. Please share your thoughts on a 12-month licence duration**



56% of respondents want the licence duration to remain 12 months; whilst 44% of respondents wanted a different licence duration.

In general, those that wanted the licence duration to remain 12 months, thought that:

- a. The duration seems sensible and should allow for the addressing of any issues.
- b. Businesses will always have to consider the renewal of their licence, reducing the need for enforcement action.
- c. A 12 month duration is suitable as areas are likely to change.
- d. A 12 month duration reduces the risk of disturbance happening in the long term.

In general, those that wanted the licence duration to increase to 24 months, thought that:

- a. A 24 month period would allow businesses to plan, invest in furniture and heating.
- b. A 24 month period would reduce administrative costs and increase resources for compliance and enforcement.
- c. A 24 month period.

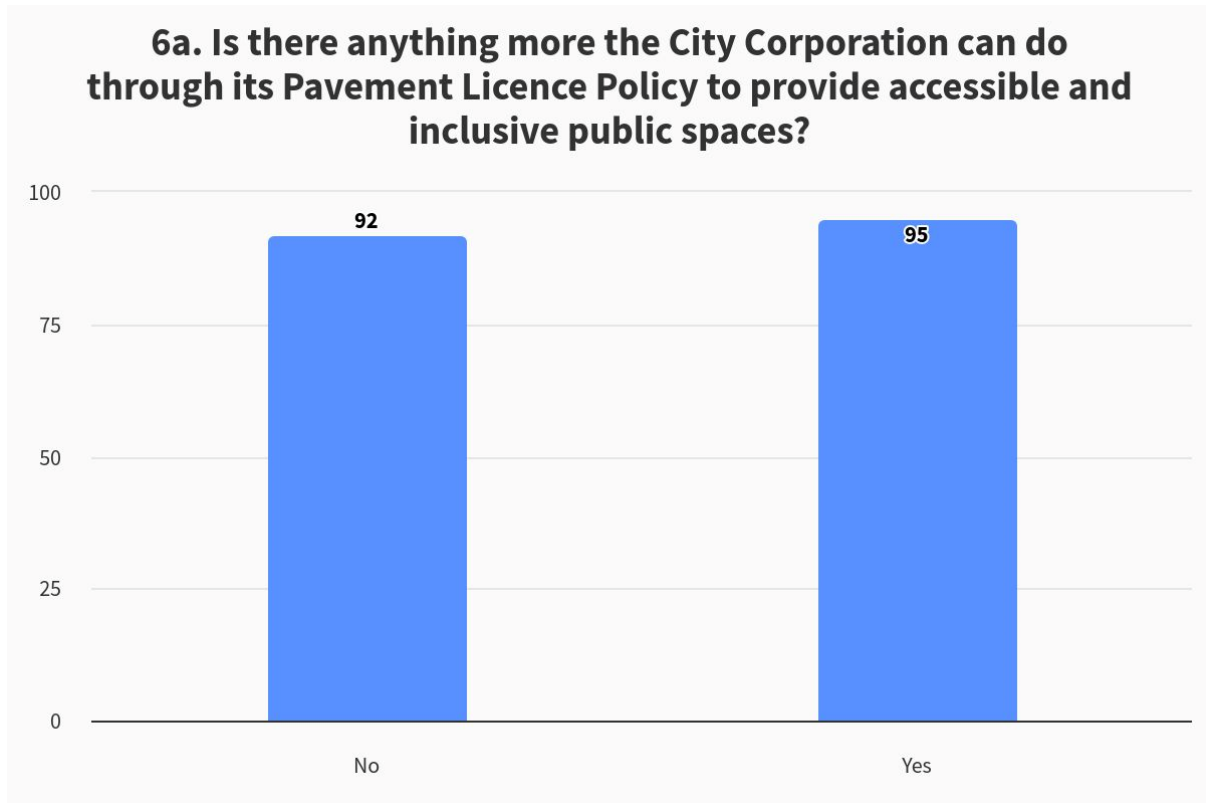
There were relatively few respondents that wanted to reduce the duration to 6 months. Those few that did consistently wanted 6 month licence durations subject to review.

### **Proposal**

**It is suggested that the 12 month licence duration is to remain the same.**



## Question 6. Improving Accessibility and Inclusivity



51% of respondents think that the City Corporation can do more through this policy to provide accessible and inclusive public spaces. 49% of respondents think the City Corporation's policy has sufficient measures to provide accessible and inclusive public spaces.

In general, those that thought we could do more through this policy thought that:

- a. For Hire e-Bikes / Bicycles should be cleared to specified zones and off of pavements.
- b. Increased provision of waste receptacles.
- c. Requirement for wheelchair accessible tables.
- d. Provision of level paving and curbs.
- e. Allow group licences for non-alcohol premises that are grouped together.
- f. Increased consideration of resident's privacy.
- g. Exclude all narrow thoroughfares and busy pedestrian areas from being licensed, such as pedestrian routes to main bus stops and underground stations.
- h. Monitor and review the use of pavements outside drinking establishments in the summer.
- i. Exclude pavement licences in residential areas.
- j. Restriction on the use of A-boards, and enforcement to ensure compliance with this restriction.

### **Proposal**

It is suggested that a presumption on applicants to make consideration for inclusive access be placed in Policy. This would ensure the onus for these considerations is reiterated and clear to applicants.



In general, those that thought the City Corporation could do more thought that:

- a. Noise Mitigation measures should be conditioned to the licence.
- b. Decisions should consider the number of other nearby licensed areas.
- c. Exclude pavement licences from residential areas.
- d. There should be a limited capacity for licensed areas to reduce overcrowding and subsequent noise pollution.
- e. There should be no provision of music in pavement licensed areas.
- f. Separate daytime licences should be issued.
- g. Premises should designate a responsible person with a public contact number and email for complaints.
- h. The policy should adopt a presumption against outside drinking near residential addresses.

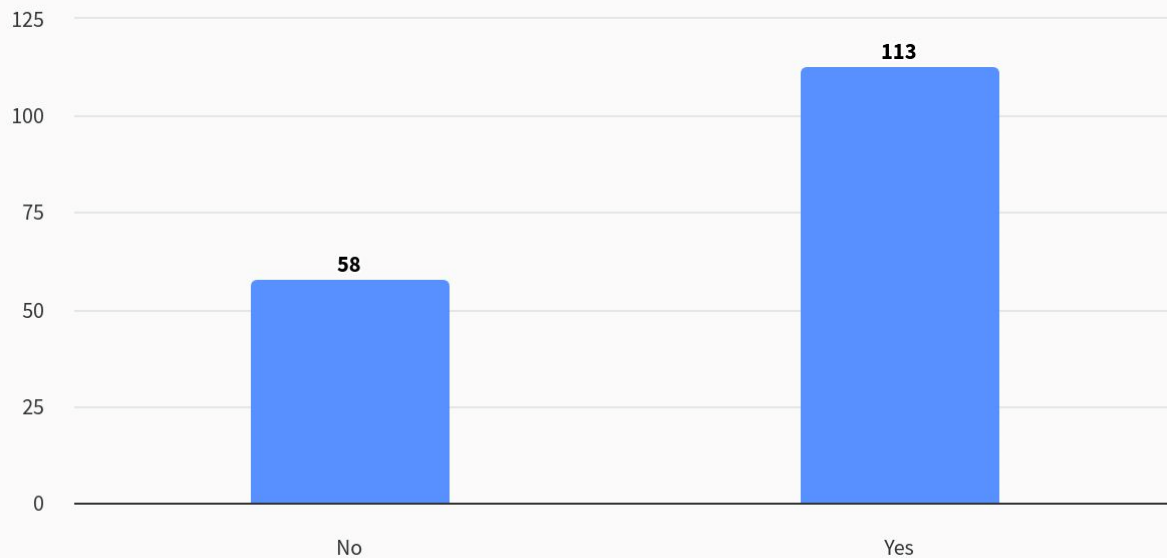
It should be noted that the predominant theme was the prohibition of the provision of music.

### **Proposal**

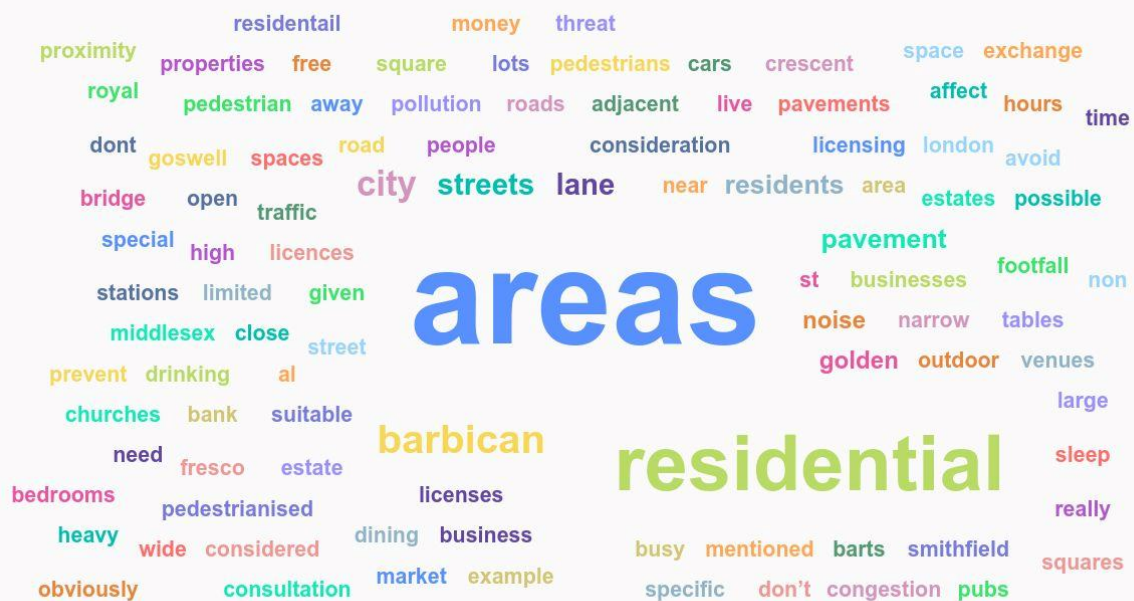
It is suggested that the Corporation clarifies the legislative position on the provision of music, as set out in the Live Music Act 2012 and Deregulation Act 2015 and the Statement of Licensing Policy.

## Question 8. Areas for Special Consideration

**8a. Are there any areas in the square mile that should be given special consideration for pavement licensing (e.g. any areas where pavement licensing may be more suitable or less suitable) ?**



**8b. Please advise the areas that should be given special consideration**



66% of respondents think that there are areas in the square mile that should be given special consideration; whilst 44% think there are not.

In general, those that thought that there are areas in the square mile that should be given special consideration thought that:

- a. Golden Lane.
- b. Barbican.
- c. Carter Lane.
- d. Narrow streets.
- e. Residential Areas.
- f. Near to St. Bartholomew's Hospital.
- g. Near to Schools.
- h. Near to Religious Premises.

### **Proposal**

It is suggested that the Corporation include reference to the site-specific special consideration procedure. This will be incorporated into the application consultation procedure.

## Question 9. Additional Comments



There were a number of themes, but primarily the concerns focussed around:

- Balancing the needs of business with the needs of residents better.
- Outside policy issues (such as banning dockless bikes).
- A-Boards being banned.
- Default smoke-free conditions on pavement licences.
- Increased enforcement action against non-compliant premises.

These points have been noted for consideration, but largely fall outside the bounds of the provisions that may be included in this Policy.

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# Summary of Changes

## Alfresco Eating and Drinking Policy 2024

### Pavement Licensing

#### Business and Planning Act 2020

<b>Paragraph</b>	<b>Proposed Change</b>
Subtitle	Inserted as per the recommendation of the Consultation Analysis.
6.3 (a)	Amendment to include auto-population of application date requirement.
6.3 (d)	Inclusion of wording to clarify possible requirement on applicants.
6.3 (f)	Amendment to wording to include stronger wording.
9.2	Inclusion of wording to clarify weighting of representations.
9.9	Clarification of appeals process.
13.1	Amendment to wording by City of London Police Counter Terrorism Adviser.
13.2	Amendment to wording by City of London Police Counter Terrorism Adviser.
13.3	Amendment to wording by City of London Police Counter Terrorism Adviser.
Appendix D	Amendment to wording by City of London Police Counter Terrorism Adviser.

# City of London

## Alfresco Eating and Drinking Policy

Pavement Licensing

Business and Planning Act 2020

November 2024



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## **Foreword**

“As the City becomes a 7-day destination, I am delighted that we are able to develop this policy to create new, inclusive al-fresco dining spaces that work well for everyone. The vibrancy of outdoor dining on City streets is welcome, balanced with social spaces that continue to be safe and accessible for all workers, residents and visitors to the City. We offer continued support for a thriving City, that is a world-class centre for business”

Shravan Joshi, Chairman of Planning and Transportation Committee

“A world-class hospitality offering is a fundamental element of the Square Mile. It is why people enjoy working and visiting the Square Mile and underpins it as a place to be. Outdoor dining is playing a leading role in the City’s vibrant offer, the City Corporation has been supportive wherever we can to facilitate hospitality spaces to meet and connect”

James Tumbridge, Chairman of Licensing Committee

## 1. Introduction

- 1.1. The City of London Corporation (the City Corporation) is the governing body of the Square Mile, which has a global status as a financial powerhouse and is home to a world-leading business district. It also has a vibrant and thriving hospitality offer, with a range of outstanding restaurants, cafes, hotels, pubs, and bars, and an unrivalled history and heritage with a plethora of national cultural landmarks and icons.
- 1.2. Through its Corporate Plan 2024-2029, the City Corporation is dedicated to delivering its licensing service within the context of the '*Vibrant Thriving Destination*' and '*Flourishing Public Spaces*' outcomes, attracting businesses and people to safe, secure, and dynamic locations. It has committed to using its planning and licensing powers to create new, inclusive public spaces that are welcoming for all, and provide a leisure offer where everyone prospers.
- 1.3. The City Corporation's Destination City Programme sets out a vision for the Square Mile to become a world-leading leisure destination for UK and global visitors, workers, and residents to enjoy. The programme proposes radical changes to the Square Mile's streets, with wider pavements, al-fresco dining, and first-class infrastructure for pedestrians and cyclists.
- 1.4. The City Corporation's Transport Strategy sets out how the City's streets will be designed and managed to prioritise the needs of people walking and deliver a public realm that inspires and delights, ensuring streets are accessible to all and provide an attractive space for the City's diverse community to come together.
- 1.5. Outdoor dining is a key feature to the economic growth of the hospitality sector and the City of London has seen an increased demand for outside space by businesses wanting to place tables, chairs, and other furniture associated with the sale and consumption of food and drink, on the highway to attract customers and boost trade. The City Corporation recognises the positive contribution and vibrancy that outdoor hospitality brings to its streets, creating attractive and successful places for people to socialise in.
- 1.6. This policy statement sets out the framework within which the City Corporation will consider the grant of pavement licences under the provisions of the Business and Planning Act 2020.
- 1.7. Through this policy, which has regard to the Public Sector Equality Duty under the Equality Act 2010, the City Corporation seeks to balance the need to support businesses in optimising the use of external space with that of:
  - a) providing safe, accessible, inclusive, and comfortable spaces for pedestrians
  - b) addressing the needs of those with disabilities, or those, for example, with children in pushchairs
  - c) ensuring that no noise from use of external areas causes a public nuisance to persons living or working in the area.

## 2. Legal Background

- 2.1. Part 1 of the Business and Planning Act 2020 (the Act), sets out the provisions that enable businesses to obtain permission, in the form of a pavement licence, to place removable furniture such as tables and chairs on the pavement adjacent to their premises, for the purposes of selling, serving, and permitting the consumption of food or drink, supplied from, or in connection with the use of the premises.
- 2.2. In exercising its functions under Part 1 of the Act, the City Corporation must have regard to guidance issued by the Secretary of State, and this policy aligns with the Government's published guidance on pavement licences.

## 3. Scope for pavement licensing in the City of London

- 3.1. **City Streets:** With a unique street layout, often comprising of narrow lanes following their original medieval design, surrounded by large high-rise buildings and with high volumes of pedestrians, the Square Mile faces many challenges which are not present in other areas of London.
- 3.2. **Footfall:** The City of London has a high footfall level of circa 500,000 workers daily, so it is important to maintain an accessible and safe pedestrian comfort level for the public.
- 3.3. When considering whether to issue a pavement licence, the City Corporation will have regard to the following principles:
  - a) **Accessibility:**
    - the width of the highway and the needs of disabled people
    - suitable access to all members of the public using the highway, e.g. the visually impaired, or those using wheelchairs, mobility scooters, and pushchairs.
    - any need for barriers to separate furniture from the rest of the footway so that the visually impaired can navigate around furniture.
    - any conflict of street furniture with the principal lines of pedestrian movement particularly for disabled people, older people, and those with mobility needs.
    - the volume of pedestrian footfall especially at peak times
    - the presence of existing street furniture
  - b) **Public safety:**
    - the proximity and nature of any road junctions and pedestrian crossings
    - any counter terrorism mitigations
    - the potential for localised overcrowding of the highway
    - the risk of people stepping into the carriageway

- the number of other permissions issued for areas in or near the proposed permitted area.
- c) **Public amenity:**
- protecting the character of historic areas and buildings
  - the location of schools
  - the location of any new or existing public seating or spaces nearby.
- d) **Public nuisance**
- the potential to create nuisance to neighbouring occupiers through noise, anti-social behaviour, or litter.
- e) **Public Highway**
- any temporary or permanent changes to the existing street layout as a result of public realm / highways works.

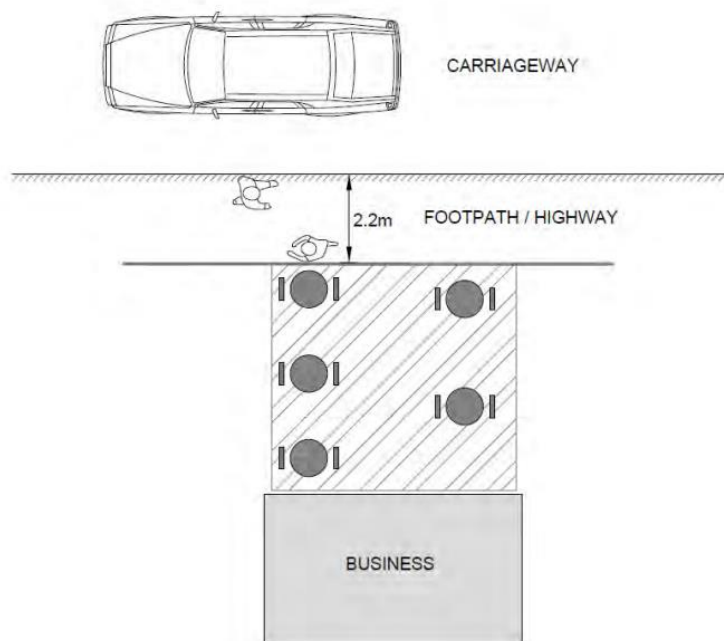
#### 3.4. **Pedestrian comfort level and unobstructed footway width:**

- a) As a guide, the City Corporation recommends that a minimum width of 2.2 metres should be maintained on all footways for pedestrian use. This means that where a business occupies pavement space with furniture, there must be a minimum of 2.2 metres of unobstructed space between the edge of the furniture and the edge of the pavement or to the edge of another obstruction (e.g. bike rack).
- b) In exceptional circumstances, a pavement licence may be considered where there is less than 2.2m of unobstructed highway but it will be for the applicant to justify why the City Corporation should depart from its policy, considering the standards set out in subparagraphs (c) and (d) below, to ensure sufficient space for the safe, accessible, and comfortable movement of people. Each application will be determined on its own merits.
- c) In determining accessibility, the City Corporation will apply the standards recommended in the [Department for Transport Inclusive Mobility guide](#).
- d) In determining comfort levels, the City Corporation will apply the minimum level of B+ as recommended in [Transport for London's Pedestrian Comfort Guidance](#) and incorporated in the City of London Transport Strategy. This provides enough space for people to feel comfortable when walking at a typical pace and for them to be able to choose where to walk. Below this level, conflicts between people walking become frequent, walking is increasingly uncomfortable and frustrating and can lead to people stepping into the carriageway.
- e) In some areas where footfall is generally higher, for example around London Underground and National Railway station entry/exit points, an unobstructed footway of more than 2.2 metres may be required, or licences might be time-limited to avoid busy times. This is to prevent

footways from becoming congested. Each application will be considered on it's own merits.

- f) Where a pavement licence has been granted with a minimum 2.2 metre of unobstructed footway and there is evidence of congestion on that footway to the detriment of pedestrian safety or comfort, the City Corporation may require that some or all the furniture is removed from the pavement to facilitate the safe and comfortable flow of pedestrians.

3.5. Many City streets are too narrow to accommodate pavement licences whilst meeting the minimum restrictions set out in paragraph 3.4 above. Unless exceptional circumstances apply, applications should only be made in respect of City streets which are wide enough to accommodate furniture and maintain a minimum of 2.2 metre width for pedestrians passing in either direction. This illustration sets out the City Corporation's requirements:



- 3.6. **Licensing Hours:** The City Corporation will generally only consider applications for pavement licences between the hours of 07:00 and 23:00. This is to minimise the potential for crime and disorder and public nuisance.
- 3.7. Where the proposed site is in close proximity to residential or other sensitive receptors, a later start or earlier end hour may be specified by the licensing authority.
- 3.8. If a request is made for a pavement licence outside the hours of 07:00 and 23:00, the applicant must provide a statement with their application setting out reasons why the City Corporation should deviate from this policy.



## 4. Definitions

### 4.1. Pavement licence:

A pavement licence is a licence granted by the City Corporation, or deemed to have been granted, which allows the licence-holder to place removable furniture on part of a relevant highway adjacent to the premises in relation to which the application was made. A licence permits the holder to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by persons for consumption of food or drink supplied from, or in connection with the use of the premises.

### 4.2. Eligible persons / businesses:

- a) A person (includes a body corporate) who uses or proposes to use any premises (a) as a public house, wine bar or other drinking establishment, or (b) for the sale of food or drink for consumption on or off the premises can apply for a licence. Eligible businesses include public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.
- b) Businesses that do not use their premises for the sale of food or drink, e.g. hair salons or opticians, are not eligible for a pavement licence.

### 4.3. Eligible locations:

- a) Licences can only be granted in respect of highways listed in Part 7A of the Highways Act 1980. Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. In the City of London this includes the footpaths, certain carriageways, and city walkways<sup>1</sup>.

<sup>1</sup> City Walkway can sometimes refer to private land maintained by the City Corporation through legal agreement. In such cases the applicant will need to provide written consent from the landowner and/or occupier before a licence can be granted.

- b) Highways maintained by Network Rail or over the Crown land are exempt so a licence cannot be granted.
- c) A pavement licence will not be considered on a live road or carriageway to which vehicles have access. There may be potential to time restrict vehicular access and/or fully pedestrianise roads through a Traffic Management Order under the Road Traffic Regulations Act 1984, and such order would need to be sought and issued in advance of a pavement licence application.

### 4.4. Furniture: Furniture that may be used includes:

- a) counters or stalls for selling or serving food or drink;
- b) tables, counters or shelves on which food or drink can be placed;
- c) chairs, benches<sup>1</sup> or other forms of seating that meet accessibility standards;

- d) umbrellas, planters, barriers<sup>2</sup>, heaters<sup>3</sup> and other articles used in connection with the outdoor consumption of food or drink;

<sup>1</sup> **Benches** generally do not meet accessibility standards and permission for these will likely not be granted by the City Corporation.

<sup>2</sup> **Barriers** - it is the City Corporation's policy not to permit poles and barriers as they provide additional obstructions in our narrow streets. However, in exceptional circumstances, some barriers may be considered where they assist in containing customers within the authorised area or they provide visual or fully rated mitigation from vehicle attack.

**Barriers must not contain any advertising material.**

<sup>3</sup> **Heaters** - in order to support the hospitality sector during the winter months, the City Corporation will allow patio heaters. For environmental reasons, it is preferable to use zero / low carbon emitting electric heaters although gas heaters will be permitted if there is no easy electric supply to the pavement licensed area. Where it is proposed to use patio heaters, a risk assessment must be submitted with the application.

- 4.5. The furniture must be removable, which in principle means it is not a permanent fixed structure, is able to be moved easily and stored away at night.
- 4.6. Businesses that wish to place non-removable/fixed furniture on the highway must apply for permission under the Highways Act 1980.
- 4.7. Advertising boards or (A Boards) are not included in the definition of furniture within the pavement licence regime.

## 5. Other regulatory consents

- a) **Sale of alcohol:** Where a business has a premises licence to sell alcohol under the Licensing Act 2003, the sale of alcohol does not automatically extend to the external area covered by a pavement licence. If a business wants to sell alcohol in the pavement licence area, they must apply to vary their premises licence to permit this.
- b) **Food registration:** food businesses must have a food premises registration with the City Corporation.
- c) **Planning Permission:** A pavement licence when granted, or deemed to be granted, benefits the licence holder with deemed planning permission to use the land for anything done pursuant to the licence whilst the licence is valid.
- d) **Street Trading:** Anything done by the licence holder under the terms of a pavement licence will not be street trading for the purpose of the City of London (Various Powers) Act 1987 as amended by the City of London (Various Powers) Act 2013.
- e) **Public Sector Equality Duty:** Any business that applies for a pavement licence will also need to have regard to their duties under the Equality Act

2010, such as their duty under section 29 of the Act not to discriminate in providing their service and the duty to make reasonable adjustments.

## 6. Application process

### **First time licence grants and all applications made by existing licence holders (with the exception of renewals<sup>1</sup>)**

6.1. An application is considered to be a first-time licence grant if it is made by:

- a) a person or company who does not already hold a licence, or
- b) the application is in respect of premises for which the applicant does not hold an existing licence<sup>2</sup>.

6.2. An application is considered to be made by a person or company who already holds a pavement licence if:

- a) it is in respect of premises to which an existing licence relates, and
- b) the licence holder is seeking a separate/second licence for an area not already covered by the existing licence, or
- c) the licence holder is seeking to amend the terms and conditions<sup>3</sup> of the licence either at the point of renewal or at any time during the duration of the licence.

<sup>1</sup> there is a separate, streamlined renewals process for existing licence holders seeking to renew their pavement licence on the same terms and conditions as before (paragraphs 6.4 – 6.6 below)

<sup>2</sup> there is no power within the Act to transfer a pavement licence. If the business is sold, the new owner must apply for a new licence grant.

<sup>3</sup> there is no power within the Act to vary a pavement licence. If an existing licence holder wishes to amend the terms and conditions of their licence, this must be made as an application for a new licence but will be subject to the fee applicable to an existing licence holder.

6.3. The following information must be provided as part of the application:

- a) Applicant details including name and address. **The date of the application is auto generated by City Corporation's pavement licensing portal.**

<b>Proposed Changes</b>
Amended to include the date of the application.
<b>Reasoning</b>
Adopted on the advice of the City Corporation's Legal Adviser.

- b) Business premises details including trading name, address, and purpose for which the furniture will be used.
- c) Details of the relevant highway area to be used by the business.

- d) Where the land is City Walkway, evidence that the applicant has permission of the owner. **Where evidence is unclear the applicants may be required to provide further evidence including, but not limited to, the land registry title.**

<b>Proposed Change</b>
Clarification of further verification documents that may be required on a case by case basis.
<b>Reasoning</b>
Measure adopted on the advice of the City Corporation Legal Advisor.

- e) A location plan of the premises with the proposed area of highway to be used shown by a red line, so the application site can be clearly identified, together with:
- The positions and number of proposed tables and chairs, together with any other furniture to be placed on the highway.
  - The plan does not have to be to scale but it must include clear measurements of, for example, furniture, pathway width/length, building width and any other fixed item in the proposed area. **See illustration in paragraph 3.5 above.**
  - Fire exits of premises as well as those of neighbouring properties if affected by the area of highway to be used.
- f) Description of and photos or brochure images showing the proposed type of furniture and information on potential siting of it within the area applied. ~~Where possible~~ **All furniture should be non-reflective and of reasonable substance such that it cannot easily be pushed or blown over by the wind, and thereby cause obstruction.**

<b>Proposed Changes</b>
Amended to remove “Where possible” and replace with “All”.
<b>Reasoning</b>
Amended on the advice of the City Corporation’s Legal Adviser.

- g) Proposed days and hours of highway use for the placing of furniture
- h) Evidence that the applicant has met the requirement to give notice of the application (for example photographs of the notice outside the premises and of the notice itself);
- i) A declaration that the applicant has a current certificate of public liability insurance against the insured’s legal liability for death of or bodily injury to or disease contracted by a third party and/or loss of or damage to a third party properly arising out of or in the course of or in connection with the carrying out of the insured’s business at the application premises and pavement licence site:

- Inclusion of an indemnity to Principals Clause operative at the request of the insured.
- A minimum limited of indemnity for any one occurrence of £5,000,000.00

### **Renewal applications**

- 6.4. An application is considered to be a renewal application if:
- a) it is made by the existing licence holder, and
  - b) it is in respect of premises to which the existing licence relates, and
  - c) it is made before the expiration of the existing licence, and
  - d) it is for the licence to begin on the expiry of the existing licence and on the same terms.
- 6.5. The following information must be provided as part of the application:
- a) applicant details including name and address.
  - b) business premises details including trading name and address.
  - c) the licence number of their existing licence
  - d) a declaration that they are applying to renew the licence on the terms as existing.
  - e) a declaration that their certificate of public liability insurance is still valid and provide the certification number.
- 6.6. There is no deemed continuation of a pavement licence beyond its expiry date. Licence holders should therefore apply to renew their licences at least 28 days in advance of the expiry of their existing licence to ensure there is no unlicensed period when furniture can't be placed on the highway.
- 6.7. If a licence holder fails to apply to renew their licence before the expiry date of the existing licence, they must apply for a new licence.

### **All applications**

- 6.8. All applications must be made to the City Corporation using our online platform at [www.cityoflondon.gov.uk](http://www.cityoflondon.gov.uk).
- 6.9. An application will only be deemed valid when submitted in the correct manner as set out above, with all sections of the form completed and it is submitted with all required documents and the statutory fee. If the supporting material is incomplete, the statutory timelines will not commence until the application is deemed valid by the licensing authority.

### **Change of circumstances**

- 6.10. If a licence holder's name or address changes, e.g. company change of registered office address, this does not require an application to be submitted, but it should be notified to the City Corporation by way of email at [licensing@cityoflondon.gov.uk](mailto:licensing@cityoflondon.gov.uk) so that the licence document can be updated.

## 7. Application Fees

- 7.1. **First time licence grants** (as defined in paragraph 6.1 above):

The application fee is £500.

- 7.2. **Applications made by existing licence holders in respect of premises to which that licence relates** (as defined in paragraph 6.2 above):

The application fee is £350.

- 7.3. **Renewal applications** (as defined in paragraph 6.4 above):

The application fee is £350.

## 8. Consultation

- 8.1. The applicant is encouraged to talk to neighboring businesses and occupiers prior to applying to the local authority, and to take any issues around noise, and nuisance into consideration as part of the proposal.
- 8.2. A public consultation period of 14 days will commence the day after a **valid application** is made to the City Corporation. Bank holidays, Christmas day and Good Friday will not be counted as part of the 14 days.
- 8.3. The City Corporation will publish the application on its website during the 14-day consultation period. The last date for representations will be made clear and representations will not be accepted after this date.
- 8.4. The applicant must fix a notice of the application to the premises so that it is readily visible and can be read easily by members of the public for the duration of the 14-day consultation period. A template is attached as Appendix C. **The applicant must email the City Corporation evidence that the notice has been fixed.**
- 8.5. In addition to the statutory consultation with the Highways Authority (where the authority is not the City Corporation), the following will also be consulted:  
  
City of London Police  
City of London Counter Terrorism Security Advisors  
Pollution Control Team  
Commercial Environmental Health Team  
Access Team  
City Surveyors  
Street Environment Team  
Planning & Transportation Team  
Other agencies as required by the individual merits of an application.
- 8.6. Applications will also be added to the licensing application bulletin email for wider distribution.
- 8.7. During the consultation period, representations relating to the application may be made by any person or interested party. The City Corporation must consider any representations received during the public consultation period when determining the application.

## 9. Determining the application

- 9.1. A site assessment may be carried out by an authorised officer to ensure that no obstruction to the highway would be caused by licensing the proposed site. The site assessment will take into consideration some or all of the principles and criteria set out in paragraph 3, and the conditions set out in paragraph 11.

- 9.2. Any representations made during the consultation period will be taken into consideration. Representations that do not relate directly to the granting of a pavement licence may be given less **or no** weight when determining an application. Representations received outside the consultation period will be disregarded.

<b>Proposed Changes</b>
Inclusion of “or no” reference to weighting of representations.
<b>Reasoning</b>
Included on the advice of City Corporation’s Legal Adviser.

- 9.3. The City Corporation may
- a) grant the licence in respect of any or all of the purposes specified in the application,
  - b) grant the licence for some or all of the part of the highway specified in the application, or
  - c) reject the application.

Any licence granted will be subject to the City Corporation’s published standard conditions.

- 9.4. The City Corporation must determine an application within a 14-day determination period. Decisions will be communicated to the applicant by way of email before the determination period ends. Where an application is partly granted or rejected, reasons will be set out in the decision letter.
- 9.5. If the City Corporation does not determine an application by the end of the 14-day determination period, the licence is deemed to be granted by the City Corporation.
- 9.6. A person may apply for further pavement licences in respect of the same premises, provided that the determination period for any previous application made has ended.
- 9.7. A licence holder may surrender a pavement licence at any time by email notification to the City Corporation at [licensing@cityoflondon.gov.uk](mailto:licensing@cityoflondon.gov.uk) . If a fee has been paid for the licence, there will be no refund of the fee where a licence is surrendered.
- 9.8. The City Corporation will reject a pavement licence where the site is deemed unsuitable or unsafe having applied the criteria set out in paragraph 3, the conditions in paragraph 11 cannot be met, or if representations are made which raise issues that cannot be mitigated by way of conditions. If a fee has been paid, it will not be refunded where an application is rejected.
- ~~9.9. There is no statutory right of appeal against a decision to partly grant or reject an application. If an applicant is aggrieved by the Licensing Service~~



determination of their pavement licence application, or they consider there to be exceptional circumstances to justify a departure from this Policy, they can request an internal review before a sub-committee consisting of members drawn from the City Corporation's Planning and Transportation and Licensing Committee members. Such requests should be sent to the Licensing Service at [licensing@cityoflondon.gov.uk](mailto:licensing@cityoflondon.gov.uk) setting out clear reasons for the review. The Licensing Service will arrange for sub-committee meeting to be convened within 20 working days of the request, which the applicant will be invited to attend and present their case.

- 9.9 There is no statutory right of appeal against a decision to partly grant or reject an application. If an applicant is aggrieved by the Licensing Service determination of their pavement licence application, or they consider there to be exceptional circumstances to justify a departure from this Policy, they can request an internal review of the decision. Such requests should be sent to the Licensing Service at [licensing@cityoflondon.gov.uk](mailto:licensing@cityoflondon.gov.uk) setting out clear reasons for the review. The Licensing Service will arrange for the review to be considered within 20 working days of the request. The applicant may be requested to provide additional information to assist their case.

<b>Proposed Change</b>
Clarification of right to appeal and appeals process.
<b>Reasoning</b>
The options for who will determine appeals are still being explored.

## 10. Duration of licence

- 10.1. New pavement licences will usually be granted for a period of 12 months, commencing the day after the last date for determination, unless a shorter period is specified on the application.
- 10.2. Where there are plans for future changes in the use of road space, or other good reasons are identified during the consultation process, a licence may be granted for a shorter period of time. In such circumstances, the duration of licence will be determined on the individual merits of the application.
- 10.3. If the City Corporation fails to determine an application for a new licence before the last date for determination, the licence will be deemed granted for a period of 24 months, commencing the day after the last date for determination.
- 10.4. Renewal licences will be issued for a period of 12 months commencing the day after the expiry of their existing licence.

## 11. Conditions

- 11.1. All conditions set out in this section will apply to any pavement licence granted or deemed to have been granted by the City Corporation.

- 11.2. **City of London Standard Conditions:** The City Corporation's standard conditions applicable to all pavement licences granted or deemed granted are attached as Appendix A.
- 11.3. **Default Conditions as set out Section 5(4) and 5(6) of the Act:** The default 'no obstruction' and 'smoke-free seating' condition is set out in Appendix B.
- 11.4. **National Conditions as provided by the Secretary of State:** The Secretary of State, in exercise of his powers under [clause 5(8)] of the Act, may make provisions for national conditions by way of regulation.
- 11.5. The City Corporation may impose additional conditions to a pavement licence as it considers reasonable and appropriate to a particular case, with the exception of licences deemed to be granted which are subject only to conditions published before the application was made.

## 12. Enforcement/Revocation of licence

- 12.1. If the licence-holder breaches any condition of a pavement licence the City Corporation may serve a notice on the licence holder requiring measures to be taken to remedy the breach as specified within the notice and within a specified time scale. If the licence holder fails to comply with the notice, the City Corporation may:
  - a) amend the licence with the consent of the licence holder.
  - b) take the steps itself to remedy the breach and recover the costs of doing so from the licence holder.
  - c) revoke the licence (whether or not a remediation notice has been issued)
- 12.2. The City Corporation may revoke the licence, or amend it with the licence holder's consent where:
  - a) some or all of the part of the relevant highway has become unsuitable for any purpose in relation to which the licence was granted or deemed to be granted;
  - b) there are risks to public health and safety or accessibility – for example, a significant security risk has come to light or where increased footfall in an area gives rise to congestion on the highway and the furniture is considered to be an obstruction to the safe, comfortable and accessible movement of pedestrians;
  - c) there is anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated and litter is not being cleaned up;
- 12.3. The City Corporation may also revoke the licence if:
  - a) the highway is being obstructed (other than by anything permitted by the licence);
  - b) it comes to light that the applicant provided false or misleading statements in their application; or

- c) the licence holder did not comply with the requirement to affix the notice to notify the public for the relevant period.
- 12.4. If furniture is placed on the highway without the authorisation of a pavement licence, the City Corporation will give notice to the business requiring it to remove the furniture before a date specified and to refrain from putting furniture on the highway unless they gain a licence. If furniture continues to be placed on the highway, in violation of the notice, the City Corporation may remove and store the furniture, recover the costs from the business for the removal and storage of the furniture and refuse to return the furniture until those costs have been paid. If within 3 months of the notice, the costs are not paid, the authority can dispose of the furniture by sale or other means and retain the proceeds.

### 13. Counter Terrorism Advice

- ~~13.1. Greater use of open spaces through alfresco eating and drinking increases the public's vulnerability to terrorist attacks. There is no specific information or intelligence to suggest that any particular premises in the City of London are under any immediate threat from a terrorist attack. The threat to the UK from terrorism is assessed and published by the Government and is taken into account in assessing applications.~~
- 13.1 Greater use of open spaces through alfresco eating and drinking may increase the public's vulnerability to a terrorist attack. The threat to the UK from terrorism is assessed by The Joint Terrorism Analysis Centre (JTAC), the UK's independent authority for all-source terrorism assessment. The current threat level should be taken into account when assessing pavement licence applications.
- ~~13.2. Each application for a pavement licence will be referred to a City of London Police Counter Terrorism Security Advisor (CTSA). Each application will be considered on its own merits and the advice of the CTSA will be passed on to the licence holder for action. If a licence holder fails to comply with CTSA advice, a remediation notice may be served on the licence holder or the licence may be revoked if it is in the public interest to do so. Where an objection is raised by the CTSA the application will be refused.~~
- 13.2 Each pavement licence application should follow the advice set out by the City of London Police (CoLP) Counter Terrorism Security Advisors (CTSA's). Failure to comply with this advice could result in a remediation notice being served on the licence holder, or the licence being revoked (if in the public interest to do so).
- ~~13.3. Where a licence is granted, licence holders will need to carefully consider the increased vulnerabilities to their customers. The security of those customers must not be overlooked and must be covered in the licence holder's risk assessment. Details of what to include in a terrorist threat risk assessment are included in but not limited to those set out in Appendix D. In particular, licensees will be expected to comply with requirements 5 and 6 of the risk~~

~~assessment (CCTV systems and ACT (Action Counters Terrorism) training) as set out in the new national guidance 'Counter Terrorism Protective Security Pavement Licence Conditions'. Failure to comply may result in a remedial notice being served on a licence holder or ultimately, revocation of the pavement licence.~~

- 13.3 Where a licence is granted the licence holder will need to carefully consider the potential for any increase in the threat and vulnerability from terrorism, which could impact on the safety and security of staff, customers and members of the public. The safety and security of staff, customers and members of the public should be covered in the licence holder's counter terrorism risk assessment (sometimes referred to as a Threat and Vulnerability Risk Assessment), details of which are available via the advice set out by the CoLP CTSA. Licensees will be expected to comply with requirements 5 and 6 of Appendix D (CCTV systems and Action Counters Terrorism (ACT) training), as set out in the national guidance 'Counter Terrorism Protective Security Pavement Licence Conditions'. In addition to the national guidance, See, Check and Notify (SCaN) training is also advised. Failure to comply may result in a remedial notice being served on a licence holder or ultimately, revocation of the pavement licence.

<b>Proposed Change</b>
Section 13 has been rewritten and amended.
<b>Reasoning</b>
Amended by the City of London Police Counter Terrorism Security Adviser.

#### 14. Managing outside eating and drinking

- 14.1. Under the pavement licensing regime, more pubs, bars, restaurants and cafes in the City of London will take advantage of being able to serve customers outdoors. As a result, there is the potential for an increase in noise and anti-social behaviour. It is essential that licence holders have provisions in place to manage their outside drinking and eating areas to lessen the impact on neighbouring residents and other businesses.
- 14.2. Licence holders are responsible for managing their customers consuming food, alcohol or other beverages outside their premises. It is good practice to have a documented policy on managing outside eating and drinking to include but not limited to:
- a) **Noise from patrons:** Customers smoking, eating and drinking in outdoor areas including the public highway should be monitored by staff to prevent public nuisance. Licence holders should display prominent signs asking customer to be respectful of neighbouring property owners and to keep noise to a minimum.
  - b) **Obstruction:** Customers must not be allowed to obstruct the highway or the doorways of neighbouring residential, commercial or office premises. Customers queueing to enter premises must be managed to prevent any

such obstruction. Customers must not be permitted to congregate on the carriageway causing obstruction to vehicular traffic. Pedestrians must have unobstructed access to the highway and should not be forced to step into the road to pass by.

- c) **Customer safety:** Licence holders may wish to use toughened or polycarbonate glass in outside areas. Staff should monitor outside areas and collect empty glassware regularly. Spillages and or broken glass must be swept away immediately.
- d) **Litter:** Outside areas should be monitored regularly by staff and any litter generated by customers including food wrappers and cigarette butts should be cleaned up regularly and at the end of each evening.
- e) **Theft of personal belongings:** With more customers using external areas, there is more potential for opportunist theft of personal belongings. Licence holders may wish to use chelsea hooks on external furniture, display external signage warning customers of the risk of bag thefts and pick-pocketing. Staff monitoring outside areas should be vigilant at all times and remind customers to look after their personal belongings.

## Appendix A

### City of London Pavement Licence Standard Conditions

These standard conditions are made pursuant to Section 5(2) of the Act. To the extent that these conditions do not prevent the obstructions specified in section 3(6) of the Act, a pavement licence is granted or deemed to be granted subject to the statutory no-obstruction and smoke-free seating condition.

The term 'furniture' used hereinafter means counters or stalls for selling or serving food or drink; tables, counters or shelves on which food or drink can be placed; chairs or other forms of seating; umbrellas, heaters and other articles such as parasols or planters used in connection with the outdoor consumption of food or drink.

1. This licence must be displayed in a prominent position during any period that furniture is placed on the highway.
2. This licence only permits the area of the highway (the authorised area) and the items of furniture specified on the licence to be used. All furniture is to remain within the authorised area whilst it is in use on the highway.
3. This licence does not imply an exclusive right to the designated area of public highway. The licence may be suspended where necessary to allow highway maintenance, any other necessary remedial work, and special events to take place. When given notice by an officer of the City Corporation or City of London Police, the licensee must remove all furniture from the authorised area during the dates/times specified in the notice. In addition, the licence holder must comply with any request to remove the furniture due to an emergency situation.
4. The furniture must be removed from the authorised area by the licence holder by 23:00 unless an earlier time is specified on the licence. The furniture must be stored off the highway every evening.
5. Furniture must not be placed in any position where it will obstruct a designated fire escape route from any building.
6. The authorised area must be supervised at all times whilst the licence is in use. The licence holder must ensure there are sufficient staff to supervise and control the authorised area to:
  - a. deter and prevent noise nuisance and/or antisocial behaviour
  - b. ensure that the area is kept clean, tidy and free of litter
  - c. ensure that the area is swept and/or gritted in order to prevent slipping in adverse weather conditions
  - d. ensure that food and drink is be cleared from unoccupied tables as soon as possible

7. The licence holder must clean the authorised area regularly to prevent staining by anything done pursuant to the licence.
8. The licence holder shall be liable for any damage to the authorised area which the City Corporation considers reasonably attributable to anything done pursuant to the licence and shall reimburse the costs of the City Corporation or its Agents in repairing the same.
9. The licence holder shall be liable for and shall indemnify the City Corporation, their Servants and Agents against:-
  - a) any expense, liability, loss, claim or proceedings whatsoever arising under statute or at common law in respect of personal injury to or the death of any person whomsoever, and
  - b) any expense, liability, loss, claim or proceedings in respect of any injury, loss or damage whatsoever to any person whomsoever or to any property real or personal, arising from the use of the Public Footway for the permitted purpose.

Without limiting the obligation hereunder, the licensee will effect insurance against the matters referred to in this condition to the satisfaction of the Chamberlain of London and will produce to the Chamberlain the policies of insurance so effected and the current premium renewal receipts relative thereto at such times as the Chamberlain shall reasonably require.

10. No advertising material may be attached to, or form part of, any of the furniture.
11. No supplemental lighting may be used in connection with the furniture.

## **Appendix B**

### **Pavement Licence: Default No Obstruction Condition**

Anything done by the licence-holder pursuant to the licence, or any activity of other persons which is enabled by the licence, must not have one of the specified statutory effects debarring grant of the licence, namely the effect of:

- (a) preventing traffic, other than vehicular traffic, from
  - (i) entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
  - (ii) passing along the relevant highway, or
  - (iii) having normal access to premises adjoining the relevant highway,
- (b) preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
- (c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
- (d) preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.

### **Pavement Licence: Default Smoke-free Seating condition**

Where the furniture on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must make reasonable provision for seating where smoking is not permitted. This might include, but is not limited to:

- (a) Clear 'smoking' and 'non-smoking' areas, with 'no smoking' signage displayed in designated 'smoke-free' zones in accordance with Smoke-free (Signs) Regulations 2012
- (b) No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified.
- (c) Providing a minimum of 2m distance between non-smoking and smoking areas.



Appendix C

**PUBLIC NOTICE**

**Business and Planning Act 2020  
Application for a Pavement Licence**

I/We (*name of applicant*), \_\_\_\_\_

do hereby give notice that on (*date of application*) \_\_\_\_\_

have applied to the City Corporation for a 'Pavement Licence' at:

(*postal address of premises*)

known as (*trading name of premises*)

The application is for: (*brief description of application eg. outdoor seating to the front of the premises for serving food and drink*)

A copy of my application and associated documents including plan and details of furniture can be viewed on the City Corporation's website at [www.cityoflondon.gov.uk](http://www.cityoflondon.gov.uk). Any person wishing to make representations to this application may do so by email at: [licensing@cityoflondon.gov.uk](mailto:licensing@cityoflondon.gov.uk)

by: (*date*) \_\_\_\_\_

(*this must be 14 days from the date of the application not including bank holidays*)

Signed .....

Dated .....

## Appendix D

### Counter Terrorism Advice for Risk Assessment

As part of a terrorist threat risk assessment in relation to use of outdoor public space for eating and drinking a licensee should consider the following:

1. ~~The safe access/egress of your customers and of those within nearby premises. Allowances should be made for the rapid dispersal of people in the event of an emergency/incident. Tables and chairs or other furniture should NOT impede this.~~
2. ~~If the premises become busy creating a queue outside, this must not conflict with customers using the tables and chairs or the adjoining pedestrian footpath. There should be clear guidance provided by the staff to direct patrons accordingly, away from the road scene. The staff should be prepared for such an event.~~
3. ~~Adequate street lighting should illuminate the deployment of tables and chairs.~~
4. ~~The licensee should liaise with neighbouring properties so they can consider their evacuation procedures accordingly and avoid any conflict and capitalise on shared benefits.~~
5. ~~The Pavement License holder will need to ensure that existing CCTV systems are correctly working, are compliant with the Data Protection Act 1998, Information Commissioners requirements and any other local CCTV Code of Conduct produced by the Police or Local Authority. Imagery must be retained for at least 28 days and images produced to a Police Officer or Local Authority Enforcement Officer upon reasonable request. Faults which render the CCTV system or parts of it inoperable should normally be rectified within 24 hours.~~
6. ~~The pavement licence holder will need to ensure that the management team of the business to which the pavement licence is attached; register and successfully complete the nationally recognised counter terrorism training product referred to as ACT E Learning within 10 days of the notification of the grant of the Pavement License OR can demonstrate that the ACT E Learning product has successfully been completed within the preceding 12 months and that all staff employed by OR at the premises complete the ACT E Learning within a reasonable period not exceeding 3 months from the notification of the grant of the Pavement License. (Act E Learning certificates are provided on successful on-line completion.)~~ ACT E-learning can be accessed at:

~~<https://www.gov.uk/government/news/act-awareness-elearning>.~~

And also at ~~<https://ct.highfieldelearning.com/>~~

Further information on free training and awareness can be obtained via contact with the local Counter Terrorism Security Advisors who can be contacted on the following email: ~~[CTSA@city-of-london.pnn.police.uk](mailto:CTSA@city-of-london.pnn.police.uk)~~

As part of a counter terrorism risk assessment (in relation to use of outdoor public space for eating and drinking) the licence holder should consider the following:

1. The safe access/egress of staff and customers, and those within nearby premises. Allowances should be made for the rapid dispersal of people in the event of an emergency/incident. Tables, chairs and other furniture should NOT impede this.
2. If the premises becomes busy, creating a queue outside, this must not conflict with customers using the tables and chairs or the adjoining pedestrian footpath. There should be clear guidance provided by the staff to direct patrons away from the roadway(s) accordingly. All staff should be prepared for such an event.
3. Adequate street lighting should illuminate the deployment of tables and chairs.
4. The license holder should liaise with neighbouring properties so they can consider their evacuation procedures, helping to avoid any conflict, and to capitalise on any shared benefits.
5. The pavement license holder will need to ensure that existing CCTV systems are working correctly, are compliant with the Data Protection Act 1998, Information Commissioners requirements and any other local CCTV Code of Conduct produced by the Police or Local Authority. Imagery must be retained for at least 28 days and images produced to a Police Officer or Local Authority Enforcement Officer upon reasonable request. Faults which render the CCTV system or parts of it inoperable should normally be rectified within 24 hours.
6. The pavement licence holder will need to ensure that the management team of the business to which the pavement licence is attached register and successfully complete the nationally recognised counter terrorism training products (referred to as ACT and ScaN e-Learning) within 10 days of the notification of the granting of the pavement license, OR can demonstrate that these e-Learning products have been successfully completed within the preceding 12 months, and that all staff employed by, OR at the premises complete these e-Learning products within a reasonable period, not exceeding 3 months from the notification of the granting of the pavement license. E-Learning certificates are provided on successful on-line completion. ACT E-learning can be accessed at the following:  
<https://ct.highfieldelearning.com/> and [scan.highfieldelearning.com](https://scan.highfieldelearning.com). Further information on free training and awareness can be obtained via the CoLP CTSA on request ([CTSA@city-of-london.pnn.police.uk](mailto:CTSA@city-of-london.pnn.police.uk)).

<b>Proposed Changes</b>
Annex D has been rewritten and amended.
<b>Reasoning</b>
Amended by the City of London Police Counter Terrorism Security Adviser.

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## Equality Impact Assessment Form

Before completing this form, please refer to the Equality Impact Assessment Guidance documents and training materials

- EQIA Intranet Infohub
- [EQIA Guidance](#)

The Equality Impact Assessment (EQIA) will identify how any proposed policies, practices, activities, service changes or procedures will impact or affect different groups or communities if implemented. It supports officers in assessing whether the impacts are positive, negative, or unlikely to impact each of the nine protected characteristic groups. The assessment will also demonstrate whether there are ways to proactively advance equity, equality, diversity and inclusion. An EQIA is required before you finalise your proposal, or it may not be legally compliant.

If you have any questions or need feedback on your analysis, please contact the EDI team: [CSPT.EDI@cityoflondon.gov.uk](mailto:CSPT.EDI@cityoflondon.gov.uk)

### **Section 1: To be completed by all**

<b>Details of the lead officer completing the Assessment</b>	Joe Mannix Licensing Policy Officer <a href="mailto:Joe.Mannix@cityoflondon.gov.uk">Joe.Mannix@cityoflondon.gov.uk</a>
<b>Department Responsible:</b>	Licensing
<b>Who has been involved in creating the EQIA:</b> (please summarise/list stakeholders you have engaged with and how)	Public consultation and responsible authorities invited to consult.
<b>Date of Initial assessment:</b>	21 August 2024
<b>Dates of review (as applicable)</b>	TBC

Please refer to the EQIA guidance when completing this form

## 1. PROPOSAL OVERVIEW

**What does the proposal aim to achieve?** Please outline your proposal below

- If no potential impacts are identified at this stage, proceed to **Section 3**
- If you believe there may be potential impacts, continue to **Section 2** to complete a full EQIA.

The Pavement Licensing Policy is undergoing review, with the aim of providing safe, secure, and dynamic locations that attract businesses and people to the City; whilst providing accessible, inclusive and comfortable spaces for pedestrians or those with disabilities, and ensuring that no noise nuisance effects people living or working in the area. Alfresco Dining is regulated through the issuance of Pavement Licences under the Business and Planning Act 2020.

A Pavement Licence allows a business, or person, to install an alfresco seating area for the consumption of food or drink directly adjacent to their business premises. Businesses eligible to apply for a Pavement Licence must be either a drinking establishment (such as a Pub, Wine bar, etc.) or a business that sells food or drink for consumption either on or off the premises (such as a coffee shop, restaurant, snack shop, etc).

**Section 2: To be completed for a full EQIA**

**2. EVIDENCE AND IMPACT ANALYSIS**

Please highlight the potential impact on these groups, actions taken to mitigate impact and advance equality, diversity and inclusion (include data/evidence upon which the analysis is based)

Protected Groups:

- Age
- Disability
- Gender Reassignment
- Marriage & Civil Partnership
- Pregnancy & Maternity
- Race
- Religion & Belief
- Sex
- Sexual Orientation

Additional Groups

- Socio-economic background
- Care leavers
- Carers & Parents
- Veterans

Where relevant note relevant intersectional impacts: where combinations of different group identities may result in unique or compounded impacts.

There are two main groups that could be directly affected by the proposal, and one group that may be indirectly affected by the proposal.

**Directly:** 1. Disability and 2. Maternity.

**Indirectly:** 3. Religion or belief.

**1. Disability**

A Pavement Licence allows the placing of tables and chairs on highways, which results in the reduction of available pavement for wheelchair users.

Where these licences are issued to unsuitable places, the reduction of pavement could lead to the impeding of wheelchair users, those with reduced mobility requiring walking aids, and those requiring supervision during their movement.

The Corporation has regarding and implemented the recommendations of TfL's Pedestrian Comfort Guidance for London. This guidance recommends a minimum acceptable available pathway of 2.2m, which has been established in this policy. In standard practice this would allow 2 people and 900mm space between them and any building or furniture. This space also allows for wheelchairs, walking aids or assisted movement to move unimpeded.

Furthermore, measures around ensuring applicants consider the needs of disabled persons at the point of application will be placed into Policy.

## **Please refer to the EQIA guidance when completing this form**

In practice, the primary concern by disabled respondents indicated at policy consultation was the enforcement of licensed permissions.

### **2. Maternity**

A Pavement Licences allows the placing of tables and chairs on highways, which results in the reduction of available pavement for Parents using prams to transport their infants and young children.

Where these licences are issued to unsuitable places, there would be a direct impact on parents/infants through the reduction of space on the pavement, potentially leading to reduction of safety and comfort of those using prams.

The Corporation has regarding and implemented the recommendations of TfL's Pedestrian Comfort Guidance for London. This guidance recommends a minimum acceptable available pathway of 2.2m, which has been established in this policy. In standard practice this would allow 2 people and 900mm space between them and any building or furniture. This space also allows for prams to manoeuvre unimpeded.

### **3. Religion or Belief**

Due to the nature of pavement licensing, and it's ability to provide external space to licensed premises; it necessarily follows that there may be an indirect impact on the religiously conservative, as an activity that is often conducted inside a brick and mortar premises will be more visible. It is important to recognise the indirect impact that this may have.

All applications have a 14 day consultation period which should go some way to identifying areas where pavements licences would be unsuitable for the proposed activity. Should representation against the issuance of a licence be received, then a determination will be made based on the issues that are raised.

Notices must be fixed in place at the site, and the consultation is published on our website and sent out to those subscribing to the licensing bulletin.

We also consult with a wide range of responsible authority stakeholders, to ensure a well-rounded view is received to determine the application.



Please refer to the EQIA guidance when completing this form

### 3. STAKEHOLDER ENGAGEMENT, MITIGATIONS AND CHANGE

**Outline any consultation/engagement activity and additional information gathered not outlined above (if relevant)**

Include information on stakeholders involved, and methods used for engagement / consultation.

Describe any further work required on proposals as a consequence of engagement/consultation (if relevant)

A public and stakeholder consultation was held for 4 weeks, and hosted on the commonplace platform. An analysis of the public consultation was conducted, and as a result of this a number of point of clarification were implemented in the policy.

It was noted that the primary concern, from respondents that identified as disabled, was the enforcement of the 2.2m clear pavement areas. This issue has been flagged to for an enforcement plan to be created as part of the Licensing Service's work plan.

Overall, there is a positive impact on protected characteristic groups, and measures have been built into the policy to ensure that the Square Mile remains a positive environment for everyone that lives, works and visits the City.

The policy incorporates a number of best practice measures, and respondents to the consultation were overwhelmingly in favour of the majority of measures within the policy.

Please refer to the EQIA guidance when completing this form

#### **4.MONITORING AND REVIEW**

**Will you monitor and review the impact of the proposal once it has been put into effect, if so how? What are the timescales for reviewing the EQIA once proposals are implemented?**

This may take the form of an action plan - template available here

The proposal will be reviewed if new guidance on pavement licensing is issued by government or in any case, within three years of the policy being adopted. It may also be reviewed when information is received that there is an impact on our PSED.

Please refer to the EQIA guidance when completing this form

**Section 3: To be completed by ALL**

**5. ERECORDING YOUR DECISION AND SIGN-OFF**

**Detail the decision of how your proposal will progress.**

**Describe any changes or mitigations needed for adverse impacts.**

**Include negative impacts that require justification.**

The proposal will continue and be proposed for adoption. The proposal promotes positive impact to our communities by increasing community cohesion; by ensuring pavement licences are not granted near to sensitive areas.

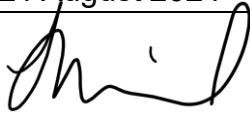
Furthermore, our policy has adopted the Transport for London's minimum pavement widths; following in depth studies by TfL into the required technical widths for access, inclusivity and best practice in London.

The policy also ensures that applications go through a consultation with a thorough consideration process to ensure that licences are appropriate for the locality they are issued to.

Please refer to the EQIA guidance when completing this form

**Sign off**

1. Officer completing the EQIA

<b>Name</b>	Joe Mannix
<b>Job Title</b>	Licensing Policy Officer
<b>Date</b>	21 August 2024
<b>Signature</b>	

2. Line Manager

<b>Name</b>	
<b>Job Title</b>	
<b>Date</b>	
<b>Signature</b>	

3. Senior Manager or Chief Officer

<b>Name</b>	
<b>Job Title</b>	
<b>Date</b>	
<b>Signature</b>	

Once this form has been signed off, please send a copy of the form to the EDI Team: [CSPT.EDI@cityoflondon.gov.uk](mailto:CSPT.EDI@cityoflondon.gov.uk)

<b>Committee(s)</b>	<b>Dated:</b>
Licensing	31/10/2024
<b>Subject:</b> Delegated decisions of the Executive Director Environment pertaining to premises licences	<b>Public</b>
<b>Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?</b>	<b>Dynamic Economic Growth, Vibrant Thriving Destination</b>
<b>Does this proposal require extra revenue and/or capital spending?</b>	<b>N</b>
<b>If so, how much?</b>	<b>N/A</b>
<b>What is the source of Funding?</b>	<b>N/A</b>
<b>Has this Funding Source been agreed with the Chamberlain's Department?</b>	<b>N/A</b>
<b>Report of:</b> Katie Stewart, Executive Director, Environment Department	<b>For Information</b>
<b>Report author:</b> Robert Breese, Licensing Officer	

## Summary

This report details the premises licences, and variations to premises licences, granted under the Licensing Act 2003 and administered by the Licensing Service from 1 April 2024 to 30 June 2024. It does not include any premises where Members have been involved in the decision-making process i.e. decisions made at Licensing Sub-Committee hearings.

The report also gives a summary of the enforcement action taken under the Licensing Act 2003 between 1 June 2024 to 31 August 2024. In addition, the report presents data from the 'traffic light' risk scheme introduced within the City of London on 1 April 2013. The data gives a view of the scheme between 1 March 2024 to 31 August 2024.

## Recommendation(s)

Members are asked to:

Note the report

## Main Report

1. Pursuant to the instructions from your Committee, I attach for your information lists detailing 'premises licence' applications (Appendix 1) and variations (Appendix 2) granted by the Licensing Service between 1 June 2024 to 31 August 2024. 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 2.
3. Any questions of detail concerning premises licences can be obtained from the Corporation's public register which can be found at: [Search the public register - City of London](#) or by email to: [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 3). The table in Appendix 3 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. Appendix 3 provides data from 1 June 2024 to 31 August 2024.
5. Licensing Officers undertake routine enforcement visits to check 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 in response to complaints. The Department's Enforcement Policy is followed prior to escalating action and taking legal proceedings.
6. The Enforcement Policy 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.
7. 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.
8. This report details data produced from the 'traffic light' risk scheme between 1 March 2024 to 31 August 2024. Further details can be seen in Appendix 4.
9. 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 the Guildhall. These relationships and lines of communication have been maintained with regards to working from home, a number of communications taking place remotely. We have furthered our relationships with various stakeholders through Operation Reframe – a regular monthly collaborative partnership with numerous responsible authorities aimed at building trust and confidence in our work and creating safe spaces.
10. The Memorandum of Understanding (MoU) between the City of London Police and the Environment Department agreed in November 2011 (when it was the

Markets and Consumer Protection Department) outlines specific arrangements for cooperation between the teams.

11. The other City Corporation Department that is routinely involved in enforcement is the former Department of the Built Environment (DBE), which now also forms part of the Environment Department. 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.
12. 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.
13. 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**

### 14. Corporate & Strategic Implications:

Strategic implications – None

Financial implications - None

Resource implications - None

Legal implications - None

Risk implications - None

Equalities implications – None

Climate implications - None

Security implications – None

## **Appendices**

- Appendix 1 – New Licence Applications issued between 1 June 2024 to 31 August 2024.
- Appendix 2 – Applications to vary a licence issued between 1 June 2024 to 31 August 2024.

- Appendix 3 - Enforcement Action carried out between 1 June 2024 to 31 August 2024 (including noise complaints received).
- Appendix 4 (Non-Public) – Update on the risk scheme as of 31 August 2024.

**Background Papers**

None

**Robert Breese**

Licensing Officer

T: 020 7332 3344

E: [robert.breese@cityoflondon.gov.uk](mailto:robert.breese@cityoflondon.gov.uk)



## Appendix 1

### New Licence Applications Issued by way of Delegated Authority (01 June 2024 to 31 August 2024)

Name	Address	Ward	Details
Itsu	42 Fish Street Hill	Bridge and Bridge Without	A, (f) <b>22:00</b>
Paternoster Lodge (Time limited for 2 months)	2 Paternoster Square	Bread Street	A <b>22:00</b>
Happenstance Pop Up Bar (Time limited for 3 months)	10 Paternoster Square	Bread Street	A <b>22:00</b>
Lazy Geppetto	38 Coleman Street	Coleman Street	A, (f) <b>22:00</b>
Mcmanus Bros	6-7 Leadenhall Market	Lime Street	A <b>22:00</b>
JP Morgan	60 Victoria Embankment	Castle Baynard	A <b>23:00</b>
Roti King	4-10 Artillery Lane	Bishopsgate	A <b>23:00</b>
The Gamekeeper	23-25 Leadenhall Market	Lime Street	A <b>23:00</b>
Franco Manca (Shadow Licence)	119-121 Middlesex Street	Bishopsgate	A, (f), L <b>00:00</b>
The Alchemist	16-18 Eastcheap	Bridge and Bridge Without	A, (e), (f), L <b>01:30</b>
Eventspace	114 London Wall	Coleman Street	A <b>23:00</b>
Pilpel	11 Rood Lane	Billingsgate	A <b>21:00</b>
Budgens	City Thameslink Station	Farringdon Within	A <b>23:00</b>
19-21 Billiter Street	19-21 Billiter Street	Aldgate	A, L <b>01:00</b>
Nationwide	1 Threadneedle Street	Cornhill	A, L <b>00:00</b>
Fairgame	1 New Change	Bread Street	A (b) (c) (e) (f) L <b>02:00</b>

### Total Licences Issued = 16

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

<b>Aldgate</b>	<b>1</b>	<b>Billingsgate</b>	<b>1</b>
<b>Bishopsgate</b>	<b>2</b>	<b>Bread Street</b>	<b>3</b>
<b>Bridge and Bridge Without</b>	<b>2</b>	<b>Castle Baynard</b>	<b>1</b>
<b>Coleman Street</b>	<b>2</b>	<b>Cornhill</b>	<b>1</b>
<b>Farringdon Within</b>	<b>1</b>	<b>Lime Street</b>	<b>2</b>

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

### **Itsu**

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 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. Consumption of alcohol shall only be to a person seated taking a meal there and for consumption by such a person as ancillary to their meal.
3. Sales of alcohol for consumption off the premises (other than the outside area shown on layout plan attached to latest licence) shall be in sealed containers only.
4. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take alcohol drinks or glass containers with them other than to the outside area shown on layout plan attached to latest licence.
5. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
  - a) All crimes reported to the venue
  - b) All ejections of patrons
  - c) Any complaints received concerning crime and disorder
  - d) Any incidents of disorder
  - e) All seizures of drugs or offensive weapons any faults in the CCTV system
  - f) Any refusal of the sale of alcohol
  - g) Any visit by a relevant authority or emergency service

### **Paternoster Lodge**

NONE

### **Happenstance Pop Up Bar**

1. All customers in the authorised area (as marked on plan number 94.49/800) must always be seated save for access to and egress from the seating area.

### **Lazy Geppetto**

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 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. A Challenge 25 Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age ID must bear a photograph, date of birth and a holographic mark or an ultraviolet feature.

### **Mcmanus Bros**

1. A Challenge 25 Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age ID must bear a photograph, date of birth and a holographic mark or an ultraviolet feature.

### **JP Morgan**

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 records 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 Licensing Authority recordings of the preceding two days immediately when requested.
2. Promoted events will not be held at the premises. A promoted event is an event involving music and dancing where the musical entertainment is provided at any time by a disc jockey or disc jockeys one or some of whom are not employees of the licensee (premises licence holder) and the event is (independent of the licensee) promoted to the general public.
3. Alcohol sales undertaken between 10:00 and 11:00 will be ancillary to or accompanied by food.
4. Licensable activities will be restricted to employees and invited guests of the premises licence holder, and to events sponsored by or outsourced by the premises licence holder.

### **Roti King**

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, 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 always be present on the premises when they are open to the public. This staff member shall be able to show the police or Licensing Authority recordings of the preceding two days immediately when requested.
2. Promoted events will not be held at the premises. A promoted event is an event where the musical entertainment is provided at any time by a disc jockey or disc jockeys one or some of whom are not employees of the licence holder, and the event is promoted to the general public independent of the licensee.
3. There shall be no sale of alcohol in unsealed containers for consumption off the premises.

4. All external doors , lobby doors, and windows shall be kept closed after 20:00 hours save for entry or exit, or in the event of an emergency.
5. Loudspeakers shall not be located in the entrance lobby or outside the premises.
6. The licence holder shall make available a contact telephone number to nearby residents and the City of London Licensing Team to be used in the event of complaints arising.
7. A Challenge 25 Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age ID must bear a photograph, date of birth and a holographic mark or an ultraviolet feature.

### **The Gamekeeper**

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 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. A Challenge 25 Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age ID must bear a photograph, date of birth and a holographic mark or an ultraviolet feature.
4. An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the City of London Corporation. The log shall record the following with the date and time of the incident/refusal:
  - (a) all crimes reported to the venue
  - (b) all ejections of customers
  - (c) all refusals of entry
  - (d) all refused sales of alcohol to persons under the age of 18, or appearing under the age of without valid ID
  - (e) any incidents of disorder (disturbance caused either by one person or a group of people)
  - (f) any seizures of drugs or offensive weapons.

### **Franco Manca (Shadow Licence)**

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. The Licence Holder may not provide licensable activity at such a time as the designated area, shown on the submitted plan, is being used by another operator also for licensable activities.
4. This licence may not be used to provide licensable activity unless the Licensing Authority and Police are informed of the intention to use it, by the licence holder, at least 14 days prior to use.
5. When the licence is in use for licensable activity and the summary is displayed no other licence summary will be displayed at the same time.

### **The Alchemist**

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, 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 always be present on the premises when they are open to the public. This staff member shall be able to show the police or Licensing Authority recordings of the preceding two days immediately when requested.
2. The number of door supervisors shall be determined by a risk assessment completed by the licence holder. A copy of the risk assessment shall be retained on the premises and made available for inspection by a police officer and/or an authorised officer of the licensing authority on request.
3. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
  - (i) the number of door staff on duty;
  - (ii) the identity of each member of door staff;
  - (iii) the times the door staff are on duty.
4. A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours. A copy of the policy shall be retained on the premises and made available for inspection by a police officer and/or authorised officer of the licensing authority on request.
5. Open containers of alcohol shall not be removed from the premises, save for consumption in an area benefitting from a pavement licence, as per the delineated external area as hatched in blue on the plan attached to the licence - drawing number 03 (01) Rev B.
6. An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the City of London Corporation. The log shall record the following with the date and time of the incident/refusal:
  - (a) all crimes reported to the venue
  - (b) all ejections of customers
  - (c) all refusals of entry
  - (d) all refused sales of alcohol to persons under the age of 18, or appearing under the age of 25 without valid ID
  - (e) any incidents of disorder (disturbance caused either by one person or a group of people)
  - (f) any seizures of drugs or offensive weapons
7. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

8. All external doors, lobby doors, and windows shall be kept closed after 2300 hours, save for entry or exit, or in the event of an emergency.
9. A Challenge 25 Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age ID must bear a photograph, date of birth and a holographic mark or an ultraviolet feature. Notices advising what forms of ID are acceptable and indicating that the Challenge 25 policy is in force must be displayed in prominent positions.

### **Eventspace**

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, 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 always be present on the premises when they are open to the public. This staff member shall be able to show the police or Licensing Authority recordings of the preceding two days immediately when requested.
2. An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the City of London Corporation. The log shall record the following with the date and time of the incident/refusal:
  - (a) all crimes reported to the venue
  - (b) all ejections of customers
  - (c) all refusals of entry
  - (d) all refused sales of alcohol to persons under the age of 18, or appearing under the age of 25 without valid ID
  - (e) any incidents of disorder (disturbance caused either by one person or a group of people)
  - (f) any seizures of drugs or offensive weapons
3. The supply of alcohol shall only be to persons who have pre-booked to attend a function at the premises.
4. All external doors, lobby doors, and windows are kept closed after 22:00 hours save for entry or exit, or in the event of an emergency.
5. A Challenge 25 Scheme is in operation to ensure that any person attempting to purchase or consume alcohol who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age ID must bear a photograph, date of birth and a holographic mark or an ultraviolet feature.

### **Pilpel**

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, 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 always be present on the premises when they are open to the public. This staff member shall be able to show the police or Licensing Authority recordings of the preceding two days immediately when requested.
2. There shall be no sale of alcohol in unsealed containers for consumption off the premises.

3. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.
4. A Challenge 25 Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age ID must bear a photograph, date of birth and a holographic mark or an ultraviolet feature.

### **Budgens**

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 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. A Challenge 25 Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age ID must bear a photograph, date of birth and a holographic mark or an ultraviolet feature.

### **19-21 Billiter Street**

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 will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recordings of the preceding two days immediately when requested.
2. Promoted events will not be held at the premises. A promoted event is an event involving music and dancing where the entertainment is provided at any time by a disc jockey or disc jockeys one or some of whom are not employees of the licensee (premises licence holder) and the event is (independent of the licensee) promoted to the general public.

### **Nationwide**

1. Licensable activities will be restricted to employees and invited guests of the premises licence holder.
2. The premises shall install and maintain a comprehensive digital colour CCTV system. The cameras will cover entry and exit points to the building, and the level 5 café/restaurant area, and will enable 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 always be present on the premises when they are open to the public. This staff member shall be able to show the police or Licensing Authority recordings of the preceding two days immediately when requested.

3. There shall be no sale of alcohol in unsealed containers for consumption outside of 1 Threadneedle Street.
4. A Challenge 25 Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age ID must bear a photograph, date of birth and a holographic mark or an ultraviolet feature.

### **Fairgame**

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 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. An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the City of London Corporation. The log shall record the following with the date and time of the incident/refusal:
  - (a) all crimes reported to the venue
  - (b) all ejections of customers
  - (c) all refusals of entry
  - (d) all refused sales of alcohol to persons under the age of 18, or appearing under the age of 25 without valid ID
  - (e) any incidents of disorder (disturbance caused either by one person or a group of people)
  - (f) any seizures of drugs or offensive weapons.
3. The number of door supervisors shall be determined by a risk assessment completed by the licence holder. A copy of the risk assessment shall be retained on the premises and made available for inspection by a police officer and/or an authorised officer of the licensing authority on request.
4. Promoted events will not be held at the premises. A promoted event is an event where the musical entertainment is provided at any time by a disc jockey or disc jockeys one or some of whom are not employees of the licence holder, and the event is promoted to the general public independent of the licensee.
5. There shall be no sale of alcohol in unsealed containers for consumption off the premises.
6. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.
7. Loudspeakers shall not be located outside the premises.
8. A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours. A copy of the policy shall be retained on the premises and made available for inspection by a police officer and/or authorised officer of the licensing authority on request.
9. A Challenge 25 Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age ID must bear a photograph, date of birth and a holographic mark or an ultraviolet feature.
10. Children under the age of 18 years shall not be allowed on the premises at any time.



## Appendix 2

### Licence Variations Issued by way of Delegated Authority (01 June 2024 to 31 August 2024)

Name	Address	Ward	Details
The Clays	55 Moorgate	Coleman Street	Application is to extend the licensed area of the ground floor to incorporate the neighbouring unit at 57 Moorgate, including minor layout changes.
M & S Simply Food	Unit 24 Upper Concourse, Liverpool Street Station	Bishopsgate	Application is to reflect alterations to the internal layout and extend the hours of licensable activities (06:30 – 00:00).
Piccolino	11 Exchange Square	Bishopsgate	Application to extend the external area currently permitted for licensable activities as per the plan submitted in support of this application (Piccolino has been offered the use of an external area immediately outside of the former White Horse Pub whilst it undergoes internal renovation works. The parties have agreed that where this application is granted, Piccolino shall submit a further 'Minor Variation' application to revert back to the current agreed external area at a future date and before such time as the new occupier of the White Horse wishes to trade again from this area.
Worshipful Company of Skinners	Skinners Hall, 8 Dowgate Hill	Dowgate	Application is to add the basement to the licensable area and change the plans to reflect the refurbishments that have taken place.

**Total Number of Variations Issued = 4**

#### Number of Licences by Ward

WARD

<b>Bishopsgate</b>	<b>2</b>
<b>Coleman Street</b>	<b>1</b>
<b>Dowgate</b>	<b>1</b>

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

### **The Clays**

NONE

### **M&S Simply Food**

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, 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 always be present on the premises when they are open to the public. This staff member shall be able to show the police or Licensing Authority recordings of the preceding two days immediately when requested.

2. A Challenge 25 Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age ID must bear a photograph, date of birth and a holographic mark or an ultraviolet feature

### **Piccolino**

NONE

### **Worshipful Company of Skinners**

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

3. There shall be no regulated entertainment permitted on the roof garden after 2230 hours.

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

01 June 2024 to 31 August 2024

1

**Enforcement Action Carried out Under the Licensing Act 2003**      **01 June 2024 – 31 August 2024**

Between 1<sup>st</sup> June and 31<sup>st</sup> August 2024 there were 40 pro-active inspections of the 938 licensed premises currently in the City of London. From these visits 20 premises were informally advised and 5 received warning letters relating to minor breaches found at the premises. Compliance with licensing conditions and the Code of Good Practice remains high. An overview of the figures are as below:

Total Number of Inspections	40
Number of Warning Letters	5
Number of Premises advised	20
Number of simple cautions	0
Number of suspension notices	
‘Dead’ Suspensions**	1
‘Live’ Suspensions***	2
Licence lapsed/surrendered	6

\*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.

## Noise complaints received between 01/06/2024 and 31/08/2024.

Total number of complaints: 22

NAME	ADDRESS	WARD	DETAILS	TYPE	DATE AND TIME	OUTCOME
Magpie & Stump	18 Old Bailey	Farringdon Within	Customer reported there is always very loud music at the Magpie & Stump on a Thursday at 8pm	MUSIC	06-Jun-24 20:02	Advice /Information Only
Leonardo Royal Hotel	8 - 14 Cooper's Row	Tower	Caller wants to report loud music playing from speaker outside the hotel	MUSIC	12-Jun-24 12:45	Informally Resolved
Cannick Tapps	109 Cannon Street	Walbrook	Loud music	MUSIC	21-Jun-24 00:04	Advice /Information Only
BeauBeaus	4 - 6 Gravel Lane	Portoken	Complaint from residents about noise issues from Beau Beaus café	MUSIC	27-Jun-24 20:42	Advice /Information Only
Minories	64 - 73 Minories	Tower	Complaint about loud noise coming from Minories pub	MUSIC	27-Jun-24 22:15	No Further Action
Barbican Arts Centre	Beech Street	Cripplegate	Called regards to loud noise coming from barbican around lakeside. Noise was coming from outside.	PEOPLE	28-Jun-24 22:11	Referred to Other Department
Hung Drawn Quartered	27 Great Tower Street	Tower	Noise from people outside	PEOPLE	03-Jul-24 23:33	Advice /Information Only
Simmons Bar	33 - 35 Cornhill	Langbourn	Lots of noise outside Simmons at 12:30, followed by louder noise at 2:00am, noticed the police had arrived	PEOPLE	08-Jul-24 02:00	Under Investigation

Barbican Centre	Silk Street	Cripplegate	Called about concert going on at the Barbican which has amplified bass which are shaking his walls.	MUSIC	20-Jul-24 20:53	Referred to Other Department
Beaubeaus	4 - 6 Gravel Lane	Portsoken	Loud People Outside Cafe	PEOPLE	23-Jul-24 21:57	Advice /Information Only
Pasta Evangelists	62 - 63 Long Lane	Farringdon Within	Noise from kitchen til 3am, they leave back door open	PEOPLE	27-Jul-24 00:20	Under Investigation
Barbican Centre	Silk Street	Cripplegate	Noise from Graduates Celebrating on Lakeside Terrace	PEOPLE	29-Jul-24 21:38	Referred to Other Department
The Woodins Shades	212 Bishopsgate	Bishopsgate	Complaint of very noisy music at venue	MUSIC	29-Jul-24 21:30	Advice /Information Only
Beau Beaus	4 - 6 Gravel Lane	Portsoken	Noise from people outside		30-Jul-24 22:09	Advice /Information Only
Pasta Evangelists	62 - 63 Long Lane	Farringdon Within	Noise from kitchen, back door open, can hear music playing whilst cleaning from now until 4am	MUSIC	30-Jul-24 02:35	Informally Resolved
Proud City	4 Minster Pavement	Tower	Noise from people outside	PEOPLE	03-Aug-24 03:18	Advice /Information Only
Woodins Shades	212 Bishopsgate	Bishopsgate	Loud music as they have doors and windows open	MUSIC	03-Aug-24 21:38	Informally Resolved
Pasta Evangelists	62-63 Long Lane	Farringdon Within	Restaurant making loud noise	MUSIC	04-Aug-24 01:20	Informally Resolved
Barbican Centre	Silk Street	Cripplegate	Playing loud music in the outside foyer	MUSIC	10-Aug-24 00:53	Referred to Other Department
Pasta Evangelists	62-63 Long Lane	Farringdon Within	Caller wants to report that the food premises below their address are making loud noise 12- 2am and keeping them awake	PEOPLE	12-Aug-24 01:10	Informally Resolved

Juno Rooms	67-69 Watling Street	Cordwainer	Loud music at Juno Rooms with their doors and windows open	MUSIC	17-Aug-24 16:10	Informally Resolved
BeauBeaus	4 - 6 Gravel Lane	Portsoken	Large amount of people in the area of Gravel Lane. between 40/50. loud noise, shouting and music	PEOPLE	23-Aug-24 20:15	Under Investigation

**Key to Outcomes**

**Advice/Information Only** - for use when we have given a complainant advice only.

**Informally Resolved** – when we have taken action and a matter has been resolved without formal action

**Notice Served**

**Prosecution Successful**

**Referred to Other Authority**

**Referred to Other Department**

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