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| Committee(s) | Dated: |
| Licensing | 02 February 2022 |
| Subject: Gambling Act 2005: Review of Statement of Licensing Principles | Public |
| Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly? | 1,2,5 |
| Does this proposal require extra revenue and/or capital spending? | N |
| If so, how much? | n/a |
| What is the source of Funding? | n/a |
| Has this Funding Source been agreed with the Chamberlain's Department? | n/a |
| Report of: Juliemma McLoughlin – Executive Director Environment | For Noting |
| Report author: Peter Davenport - Licensing | |

Summary

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

The legislation requires that all authorities review their policy at least every three years. The policy is due for renewal in 2022.

The City Corporation attaches, as part of the policy, the work it completed in 2017/18 on producing a Local Area Profile in order that licensees can fully assess the local risk to the licensing objectives posed by their gambling operations. The local area profile has not been updated for the 2022 policy to permit businesses a 'settling; in period following COVID restrictions and the disruption generally to trade.

The updated Policy (Appendix 1) and the two documents 'Local Area Profile' (Appendix 2) and the 'Guidance on Undertaking Risk Assessments' (Appendix 3) formed the basis of the proposals which went out to consultation on 21st January 2022.

Recommendation(s)

Members are asked to:

1. Note the contents of this report.

Main Report

Background

1. The Gambling Act 2005 (the 'Act') requires licensing authorities to prepare and publish a statement of licensing principles (the 'policy') that they will apply in exercising their functions under the Act. The legislation further prescribes that the policy shall remain valid for a period of three years, after which it must be reviewed and re-published.
2. In order to comply with the statutory process, the City Corporation must consult with the following:
 - The Chief Officer of Police for the City of London
 - Persons representing the interests of persons carrying on gambling businesses within the City of London
 - Persons representing the interests of persons who may be affected by the City Corporation exercising its functions under the Act
3. The Gambling Commission has produced a Guidance to Licensing Authorities – updated May 2021 (the 'Guidance') and a document entitled 'Licence Conditions and Codes of Practice' – updated October 2020 (LCCP).
4. The social responsibility code provision requires licensees to assess the local risk to the licensing objectives posed by their gambling operations at each of their premises. In making these assessments, licensees must take into account relevant matters identified in the corporation's licensing policy.
5. The new ordinary code provision requires operators to share their risk assessment with licensing authorities when applying for a premises licence or a variation, or otherwise on request. The effect of this is that when an application is submitted, the authority can expect to see how risks which it has identified in its policy are to be mitigated.
6. The City's current policy is largely based on a concise template drafted by the Local Authority Coordinating Body on Regulatory Services (now Local Government Regulation) with amendments made to specifically suit the City of London and amended to reflect Government changes to published guidance. By using this template the City Corporation has ensured that the statutory requirements and inclusions recommended by the Guidance were adhered to.
7. However, following the release of the LCCP the Gambling Commission published a special bulletin making it clear that the national templates (from which the Policy was drafted) were unlikely to fully and adequately address local concerns, risks and features of the gambling landscape. This in turn would mean that licensees would not have sufficient information on which to base their required risk assessments.

8. The Gambling industry, as controlled by the Gambling Act 2005, has a relatively light impact on the City of London. The City of London is not permitted to have a casino and has no Adult Gaming Centres.

Premises licensed within the City are currently as follows:

- Betting Shops 15 (previously 36)
- Gaming Machine Permits (2 or less) 95 (previously 92)
- Gaming Machine Permits (3 or more) 12 (previously 17)
- Bingo Establishments 1 (previously 0)

Current Position

9. The Licensing Service undertook an in-depth local area 'socio-economic' profile to take account of such risk and features which may affect the licensing objectives. This has resulted in the production of two documents:
 - The Gambling Local Area Profile – Spatial Analysis Report
 - Guidance on Undertaking Local Gambling Risk Assessments
10. The above documents can be seen as Appendix 2 and Appendix 3 respectively. The new Policy can be seen as Appendix 1. The new policy is almost identical to the previous policy with minor changes to reflect the statutory position and increase the number of consultees.

Proposals

11. The draft documents at Appendices 1,2 and 3 form the basis of the paper that was forwarded to consultees. The consultation period began on Friday 21 January 2022 and will finish on Friday 15 April 2022.
12. The consultation meets the principles held with HM Government's Code of Practice on Consultation.
13. The following persons were consulted, representing the interests of persons carrying on businesses in the City of London:
 - Representatives of the trade
 - Ladbrokes
 - William Hill
 - Coral
 - Betfred
14. The following persons were consulted, representing the interests of persons who may be affected by the City exercising its functions under the Act:
 - City of London Members
 - Director of Community and Children's Services
 - GambleAware
 - Gamcare

- Gambling Commission
 - HM Revenue and Customs
 - Betting and Gaming Council
 - National Association of Bookmakers
 - Bingo Association
 - British Amusement Trade Catering Association
 - Safer Business Network
 - City of London Residents Associations
 - City of London Business Improvements Districts
 - Members of the Licensing Liaison Panel.
 - Highways
 - Environmental Health
 - Planning
 - Community Safety
 - Immigration Services
 - Street Enforcement
 - Public Health
 - Trading Standards
 - London Fire Brigade
15. The remaining statutory consultee, The Chief Officer of Police for the City of London, was also consulted.
16. In addition, the consultation document can be viewed on the City of London Corporation's web site.
17. Following completion of the consultation the final policy will come before this Committee on 27 April 2022 for agreement.
18. The final report will then be formally adopted by the Court of Common Council on 19 May 2022. This is a mandatory process to comply with statutory requirements.

Corporate & Strategic Implications

19. The proposals within this report will meet one of the objectives contained within the Licensing Business Plan for 2021/22, namely, 'Review and revise Gambling Policy'.
20. The licensing policy is also in line with two of the City's Core Strategy Aims namely, Contribute to a Flourishing Society and Support a Thriving Economy.

Implications

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

Appendices

- Appendix 1 – Statement of Licensing Principles 2022
- Appendix 2 - The Gambling Local Area Profile
- Appendix 3 - Guidance on Undertaking Local Gambling Risk Assessments

Background Papers

- Guidance to Licensing Authorities – Updated May 2021 (Gambling Commission)
- Licence Conditions and Codes of Practice – Updated October 2020 (Gambling Commission)
- HM Government Code of Practice on Consultation 2008

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