

Report – Licensing Committee

Gambling Act 2005: Review of Statement of Licensing Principles

To be presented on Thursday, 21st July 2022

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

SUMMARY

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

The legislation requires that all authorities review their policy at least every three years. A revised 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 the various COVID-19 restrictions and easings over the past two years, which has disrupted the trade. A review will be taking place with an aim for an updated area profile in 2024 which will inform future policy.

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.

RECOMMENDATION

Members are **recommended** to:

- Agree the draft Statement of Licensing Principles (Appendix 1), The Gambling Local Area Profile (Appendix 2) and the Guidance on Undertaking Local Gambling Risk Assessments (Appendix 3) as the Corporation's 'Statement of Licensing Principles'

MAIN REPORT

Background

1. The Gambling Act 2005 (the 'Act') requires licensing authorities to prepare and publish a statement of licensing principles (the 'policy') that they will apply in exercising their functions under the Act. The legislation further prescribes that

the policy shall remain valid for a period of three years, after which it must be reviewed and re-published.

2. The current policy is due for renewal this year 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, 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
4. 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).
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 largely based on a concise template drafted by the Local Authority Coordinating Body on Regulatory Services (now Local Government Regulation) with additions to specifically suit the City of London and amended to reflect Government changes to published guidance. By using this template, the City Corporation has ensured that the statutory requirements and inclusions recommended by the Guidance were adhered to.
8. However, following the release of the LCCP, the Gambling Commission published a special bulletin making it clear that the national templates (from which the Policy was drafted) were unlikely to fully and adequately address local concerns, risks, and features of the gambling landscape. This, in turn, would mean that licensees would not have sufficient information on which to base their newly required risk assessments.
9. 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 |
| • Gaming Machine Permits (2 or less) | 95 |
| • Gaming Machine Permits (3 or more) | 12 |
| • Bingo Establishments | 1 |

Current Position

10. 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

11. 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 the various consultees.

New 'Policy'

12. The draft documents at Appendices 1,2 and 3 form the basis of the paper that was forwarded to consultees; the consultation period ran from Friday, 21 January 2022 to Friday, 15 April 2022. No representations or comments were received during this time.

13. The following persons were consulted, representing the interests of persons carrying on businesses in the City of London:

- Representatives of the licensed premises namely, Ladbrokes, William Hill, Coral and 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:

- Members of the Licensing Committee
- Director of Community and Children's Services
- GambleAware
- 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

15. In addition, the relevant documents were available to view throughout the consultation period on the Licensing Teams internet pages.
16. The remaining statutory consultee, The Chief Officer of Police for the City of London, was also consulted.

Conclusion

17. The Licensing Committee recommends that the Court of Common Council adopt the principles as the new Gambling Policy.

Appendices

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

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

DATED this 23rd day of May 2022.

SIGNED on behalf of the Committee.

James Tumbridge
Chairman, Licensing Committee