

## 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>• <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: 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

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