

Committee(s):	Date(s):	Item no.
Licensing	21 Oct 2015	
Subject: Gambling Act 2005: Review of Statement of Licensing Principles		Public
Report of: Director of Markets and Consumer Protection		For Decision

Summary

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

The legislation requires that all authorities review their policy at three yearly intervals. This report was last reviewed in January 2013 and therefore is required to be reviewed by January 2016.

Since the production of the current licensing statement three years ago the guidance issued to licensing authorities has been revised. Attached to this report is the new licensing statement which contains minor administrative amendments to reflect some of the latest guidance.

It is proposed that this updated document form the basis of the proposals sent for consultation. This is, in effect, a holding policy statement to meet statutory deadlines. A further revised policy will be put before your Committee in 2016.

Recommendations

It is recommended that your Committee:-

- Agree the draft Statement of Licensing Principles text for consultation.
- Agree the time table and methodology to determine the final text and adoption of the Statement of Licensing Principles.
- Grant delegated authority to the Town Clerk, in consultation with the Chairman and Deputy Chairman of the Licensing Committee, to approve the final version of the Statement of Licensing Principles ahead of its submission to the Court of Common Council on 14 January 2016.

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 was published in January 2013. It is therefore now necessary for the City Corporation to prepare the publication of its policy to run for three years from January 31 2016.
3. The Gambling industry as controlled by the Gambling Act 2005 has a relatively light impact on the City of London. The City is not permitted to have a casino.

Premises licensed within the City are currently as follows:-

Betting Shops	39
Adult Gaming Centre	0
Alcohol licensed premises with two or less amusement machines (One time notification only)	88
Alcohol licensed premises with three or more amusement machines.	23

4. In order to comply with the statutory process the 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
 - Persons representing the interests of persons who may be affected by the City exercising its functions under the Act
5. 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 Corporation has ensured that the statutory requirements and inclusions recommended by the Guidance were adhered to.
6. During the period that the City's policy has been current there has been no evidence of any deficiency in its content.

Current Position

7. Since the current policy was drafted the Gambling Commission has rewritten its guidance (Guidance to Licensing Authorities 5th Edition) which it published in September 2015). It has also published a document entitled 'Licence conditions and codes of practice' (LCCP) in February 2015 which was updated in April 2015.
8. The current policy would normally be updated to reflect the latest guidance. However the LCCP published in February 2015 contained:
 - A new social responsibility code provision relating to the assessment of local risk.
 - A new ordinary code provision relating to shared risk assessments.
9. 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 have to take into account relevant matters identified in the corporation's licensing policy.
10. 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 dealt with.
11. In April 2015 the Gambling Commission published a special bulletin making it clear that that national templates for policy statements [*referred to in paragraph 4*] were unlikely to fully and adequately address local concerns, risks and features of the gambling landscape e.g. demographics, socio-economic profile and what mix of gambling is provided or indeed desired.
12. Although work on obtaining this information has commenced not all bodies which might contribute to the production of a Local Area Profile have been met.

Proposals

13. It is proposed that the draft document at Appendix 1 form the basis of the paper that will be forwarded to consultees. It is brought to your Committee today for any amendments considered necessary at this stage. It is proposed that the consultation period run for six weeks from November 9 2015 to December 18 2015.

14. It is intended to consult the following interested persons:
 - All licensees.
15. It is intended to consult the following persons representing the interests of persons who may be affected by the City exercising its functions under the Act:
 - Local Members
 - Director of Children's Services
 - Trading Standards
16. Once the consultation is complete the responses will be considered and the Statement of Licensing Policy further amended where considered appropriate. A copy of this amended policy will be agreed by the Chairman and Deputy Chairman of your Committee.
17. The final report will be formally adopted by the Court of Common Council in January 2016. This is a mandatory process to comply with statutory requirements.
18. The Licensing Team will continue to gather then necessary data and compile a Local Area Profile for the City of London. This information will be incorporated within a revised policy which will come before your Committee on 27 April 2016. A further, more extensive consultation, will take place during May 2016 with the final policy put before your Committee for agreement on 11 July 2016. The final report will go before the Court of Common Council for adoption on 21 Jul 2016.

Corporate & Strategic Implications

19. The proposals within this report will meet one of the overriding objectives contained within the service's business plans to meet the legal requirements of relevant legislation.

Implications

20. 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.

Background Papers:

Previous Statement of Licensing Principles - January 2013

Guidance to licensing authorities 5th edition – September 2015 (Gambling Commission)

Licence conditions and codes of practice' April 2015(Gambling Commission)

Appendices

Appendix 1: Statement of Licensing Principles – 2016

Contact: *Peter Davenport* / peter.davenport@cityoflondon.gov.uk / x 3227